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THE WASHINGTON

IS ON G. O. P. LET FOR CONGRESS

UL, Oct. 1.—Representative Volstead, of "one-half of 1 per cent, defeated for renomination Rev. J. A. Kvale, is again theigan candidate for Congressman in the Seventh Minnesota district. was disqualified under the corrupt practices — v.

Volstead was named by the h district Congressional committee after the committee had been ed by a meeting of State and ssional nominees on the Republcket held at the State capitol.

MAN, 93, REGISTERS.

BERLAND, Md., Oct. 1.—Mrs. ones, ninety-three years old, e oldest woman to register the coming election. She en- s a Republican.

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LEGION SEEKS TO OUST POST

Want Assistant Labor Secre- tary Fired for Blocking De- portation of Aliens.

CLEVELAND, Oct. 1.—Dismissal from office of Louis F. Post, Assistant Secretary of Labor, for obstructing the enforcement of the alien deportation law, is recommended in a resolution adopted by the new executive committee of the American Legion here today.

The committee was elected at Wednesday's closing session of the second annual convention of the legion.

The resolution follows:

"Whereas, From the report of our special investigating committee we are convinced that Louis F. Post, Assistant Secretary of Labor, has been guilty of obstructing the enforcement of the alien deportation laws and that his continuance in office constitutes a serious menace to public security; be it

"Resolved, That we adopt and approve the report of the investigating committee and that the national commander be directed to take all steps necessary to secure the dismissal of the said Louis F. Post at the earliest possible moment."

The investigating committee's report was signed by M. K. Gordon, of Kentucky, chairman; Wilbur C. Hall, Virginia, and Crampton Harris, Alabama.

Virtually all who spoke in favor of the adoption of the report and resolution stated that, while they were Democrats, they were better Americans.

Among those who favored it were Emmett O'Neil, of Kentucky; Roy Hoffmann, Oklahoma; Henry Lindsay, former State commander and former mayor of Dallas, Tex., and Committee-men Storey, of Texas, and Drain, of the District of Columbia.

It was explained that this was not a commission of the legion of politi- cies, but it was an outspoken utter- ance on a fundamental principle of Americanism, and that if they, as Democrats, should remain silent, it would appear as if they had some- thing to cover up.

PULP COMING BY WATER.

ST. JOHNS, N. B., Oct. 1.—The steamship Canadian Sailor is to be put on a regular service between St. Johns and Portland, Me., to carry wood pulp, it was announced here yes- terday at the office of the Canadian government merchant marine. Cana- dian wood pulp, it was said, cannot be sent to the United States in Canadian cars, and foreign cars are unobtain- able, necessitating recourse to the water route.

CHARLES M.

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TRAIN KILLS OFFICERS OF UNDERTAKERS' ASSN.

ELMIRA, N. Y., Oct. 1.—Former As- semblyman E. S. Hanford, and Mrs. Hanford, of Waverly, and Fred E. Smith, of this city, were killed late this afternoon in an automobile accident at Canandaigua. Both men were officials of the New York State Funeral Directors' Association, and were returning from the annual convention of the New York State Undertakers' and Embalmers' Association at Syra- cuse, of which E. S. Hanford was act- ing president.

Mrs. Smith died at the Thompson Memorial Hospital, Canandaigua, last night.

GERMAN CASTLE BURNED.

COBLENZ, Oct. 1.—The Schloss Eltz one of the most famous twelfth century castles, located on the between Coblenz and Treves destroyed by fire. One which many precious rel moved, was saved. The property of Count resident of Murray.

~~1209264~~ 381167

Department of Justice,
Bureau of Investigation.

22092

Box 273, St. Paul, Minn.
May 18, 1920.



Frank Burke, Assistant Director and Chief,
Bureau of Investigation,
Washington, D. C.

Dear Sir:

Referring to Bureau telegram of May 14th,
five stop, and to my report of May 15th, please
find enclosed copy of the Minneapolis Labor Review
for May 16th, 1919. X

*Under
Louis F. Post.*

I was able to get but one copy, which I
secured from the Minneapolis Post Office, as the
manager and editor of the sheet claimed that they
had no files going back that far.

Yours respectfully,

Roger E. Shelly
Roger E. Shelly.

Special Agent.

Paper given to

Mr. Hoover 5/28/20

10009.

2092

36467

Home

Department of Justice,

Bureau of Investigation.

Boston, Mass., March 30, 1920.

Frank Burke, Esq.,
Assistant Director and Chief,
Bureau of Investigation,
Department of Justice, Attention of J. E. Hoover, Esq.,
Washington, D. C.

Dear sir,

Referring to Bureau letter of the 19th instant, initialed JEH-GPO, it is desired to invite the attention of the Bureau to the following abstract from the deportation decision of Assistant Secretary of Labor, Louis F. Post, in the case of the English alien, William T. Colyer, who has been prominently identified with the Communist Party in this State.

It has been the understanding of this office that membership in the Communist Party of America is sufficient ground for deportation under the Immigration Act of October 16, 1918, and, while deportation has been directed in this case, nevertheless, the peculiarity of the decision appears to warrant bringing it to the attention of the Bureau, as it appears to be in line with the attitude of the Assistant Secretary in similar cases in which he has directed cancellation of warrant of arrest, for instance in the cases of Simeon Towstick, Frank P. Lichodziewski, Evfelle Vickyel, alias Efim Wiskoob and Andrea Kolos, which are being made the subject of special reports to the Bureau in each case.

The decision in the case of William T. Colyer is as follows:

"There is no evidence in this case which brings the alien within the deportation provisions of the Act of Congress of October 16, 1918, or anyother Immigration exclusion or expulsion law, except the evidence that he is a member of the Communist Party. This membership is frankly admitted by the alien.

"Therefore the only question for the Secretary of Labor to decide is whether or not the Communist Party is an organization within the meaning of sections 1 and 2 of the Act of October 16, 1918, etc x x x

Frank Burke, Esq.

-2-

3/29/20

"The task of making that decision does not fall upon me, the Secretary of Labor in person having already made it in a case which is identical in the finding of fact as to membership, namely, that the alien is a member of the Communist Party. The Secretary's decision, by which I am bound, and with which I agree, was set out in a memorandum in the case of Preis (No. 54709-495)

"Upon that interpretation of the Communist Party documents and the fact hereby found that the alien in the present case is a member of the same Communist Party, and upon that fact and that interpretation alone, it is hereby directed that the alien be deported.

"To enable the alien to conserve any rights he may have under the law in consequence of this administrative decision, let all proceedings be suspended for thirty days. Meanwhile, transmit a copy of this memorandum for his information to the alien's counsel, Morris Katzeff, Esq., 736 Old South Building, Boston, Mass."

Respectfully,



G. E. Kelleher,
Division Superintendent ,



209207
H. H. Stroud
SPECIAL AGENT IN CHARGE
ADDRESS BOX 663

381157
314 FEDERAL BUILDING
TELEPHONE BROADWAY 4565

United States Department of Justice

Bureau of Investigation

Office of Special Agent

Milwaukee May 1, 1920

Louis F. Post

5
NOTE
J. B. S.

Frank Burke, Esq.,
Assistant Director and Chief,
Bureau of Investigation,
Department of Justice, Attention Mr. Hoover.
Washington, D. C.

Dear Sir:

Mr. A. W. Richter, attorney for the alien members of the Communist Party of America, for whom deportation warrants have been issued, also who recently served petition for Habeas Corpus proceedings on the immigration authorities in behalf of Mike Lojan, Bela Jurcich, Steve Josing and Paul Markovich, has advised me that he has received a communication signed Louis F. Post, Assistant Secretary of Labor, wherein Mr. Post states that inasmuch as the Secretary of Labor has ruled that membership in the Communist Party of America is sufficient grounds for deportation, he is duty bound to issue such warrant, but that he does not believe that the Communist Party of America is a party in violation of any federal law, and recommends to the attorney that Habeas Corpus proceedings be instituted in such cases, and that in almost every letter that the attorney has received pertaining to one of his clients ordered deported there is a red sticker attached bearing Assistant Secretary of Labor Post's name and stating thereon that there is no violation of the law, but inasmuch as the Secretary of Labor has ruled that membership in the Communist Party of America is ground for deportation that he could not but help but order deportation, and recommending to the alien that he bring Habeas Corpus proceedings and suggesting that if such steps are taken the warrant for deportation will be quashed by the court.

An effort is being made by this office to secure at least one of these red stickers. The attorney would not give up the letter that he has received from Assistant Secretary of Labor Post.

Very truly yours,

Henry H. Stroud

Henry H. Stroud
Special Agent in Charge

Cv-Edw. J. Brennan, Div. Supt. Chicago.

Dick F. 209264
out
Red

Previously ~~Considered~~

C.J.S.

REPORT MADE BY:	PLACE WHERE MADE:	DATE WHEN MADE:	PERIOD FOR WHICH MADE:
W.R. PALMERA	NEW YORK CITY	5-17-20	5-17-20
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION			
IN RE <u>ETHICAL PRINCIPLES OF MARRIAGE AND DIVORCE</u>			
by <u>LOUIS F. POST</u>			

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

Pursuant to instructions received from Agent Charles F. Scully agent in charge of the Radical Division of this Office, this agent visited the following book stores

- #179 East B'way., New York City
- #187 East B'way., New York City
- #30 Canal Street, New York City
- #50 Canal Street, New York City

and Brentano's book store, 5th Ave., and 27th Street, New York City, in order to get a copy of the above mentioned book, written by Louis F. Post, but none of them had it in stock, nor knew where such a book could be found.

Then this agent called at Barnes & Noble Inc., #31-
ir
35 West 15th Street, New York City and was told that the 1912 catalogue showed such a book being published in Chicago by Critic & Guide Publishing Company, at the price of \$1.00 but at the present they did not have any in stock.

Finally by the Rand School People this agent was informed that such a book is out of print.

Matter concluded.

.....W. R. Palmera.....

SPECIAL AGENT PALMERA

ADDRESS, "APPLY TO
THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE,
WASHINGTON, D.C.

09264
RDB
WWG-AS

November 6, 1920.

MEMORANDUM FOR THE FILES.

"LOUIS F. POST".

"Land, Liberty and Justice" is the title of an article by Louis F. Post which appears in a volume entitled "Liberty and the Great Libertarians", an anthology by Charles D. Sprading of Los Angeles, Calif. in 1913, a copy of which volume is in the General Intelligence Library.

Maurice R. Moore

WFO-AB

6399*

November 6, 1930.

MEMORANDUM FOR THE FILES.

"LOUIS F. POST".

"Land, Liberty and Justice" is the title of an article by Louis F. Post which appears in a volume entitled "Liberty and the Great Libertarians", an anthology by Charles D. Spreading of Los Angeles, Calif. in 1913, a copy of which volume is in the General Intelligence Library.

activities. This alien, known as the "anarchist," was arrested at the time of his trial on October 16, 1918, known as the "anarchist." When his case came up for hearing, in May, 1919, he testified that he believed in sovietism as conducted by Lenin and Trotsky, admitted having expressed the opinion that the United States government should be overthrown by force, advocated Proletarian dictatorship, and declared that this nation should follow in the footsteps of the Russian revolutionaries. Prior to his arrest, he had been conducting a school for the dissemination of bolshevik doctrine.

HIS deportation was recommended by the examining inspector, the reviewing immigration officer, the immigration officer in charge and by the commissioner-general of immigration. On the top of this was the recommendation of the department of justice. The final action was taken by Assistant Secretary Post, who, in his written decision, declared that this alien "does not believe in the overthrow of this government by force" and cancelled his deportation warrant.

ALEXANDER BUKOVETSKY. Bukovetsky was the organizer of the Detroit local of the Union of Russian Workers, which is not an inoffensive labor union, as its name might imply, but a thorough-going anarchist organization, nation-wide in its scope. He is a Russian who entered the United States from Canada in 1918. A few days after his arrival, speaking at the House of the Masses, he openly advocated the overthrow of the United States government by force.

He has admitted organizing several other branches of this union in other cities of the state, and, for a time, traveled from city to city, always under the auspices of this body. He was arrested last November and the authorities were obliged to keep him apart from the other prisoners, as he proved a great troublemaker. He attempted to convert several of his fellow prisoners to his beliefs.

His deportation has been ordered by the immigration authorities, including the commissioner-general. He has been paroled by Post without bond. Prior to his release he announced that, once out and free, he intended to continue his activities.

JOHN PLEZIA. This one was the official organizer of the Polish section of the communist party in Detroit. He was also a member of the editorial staff of the *Glos Robotniczy*, which was at that time the official organ of this organization. His name appeared as official organizer in every issue of this paper. During the period of his greatest activity he was delivering addresses on an average of four times a week.

He was arrested, the same recommendations made as in the other cases we have discussed and his deportation warrant was cancelled by Post.

FRANK SENESY and GEORGE FUNK. These two aliens were, respectively, the recording and financial secretaries of the Liebknecht branch of the communist party, which was the local German branch of that organization. The authorities possess complete documentary evidence of this connection. They were both extremely active, particularly Senesy, who, in addition to his official duties, was responsible for the distribution of a great quantity of inflammatory literature. They received the same treatment as the others, the final chapter being, of course, the cancellation of their deportation warrants by Post.

ALEXANDER LACZYNISKI. This man is a Pole, who was arrested in Ohio, found to be a member of the communist party, and recommended for deportation all the way up the line. The entire record went to Post, who, on March 13 of this year, ordered his deportation, declaring it to be warranted by his membership in the communist party, which fact had been previously held by the assistant secretary as being sufficient evidence of undesirability.

JOHN AWOT. This alien was arrested at the time of his arrest as recording secretary of the "Local Wayne County Communist Party." His name as such appeared on the letter-head of that organization; the writer has had opportunity of examining this stationery and seeing Awot's name upon it. Remember that mere membership in this body has been held to be sufficient justification for deportation. The various immigration officers rendered their recommendations, concluding with that of the commissioner-general. The warrant was cancelled by Mr. Post and Awot was released.

Since then he has not abated his activities. For a time he was in the habit of obtaining a permit to visit his brethren confined at Ft. Wayne, where he would carry on his propaganda work anew. He has spoken at various radical gatherings in this city, notably on April 2 at the House of the Masses and on April 18 at a mass meeting under the auspices of the Detroit Federation of Labor, where he protested against all existing conditions and assailed the officers of the government.

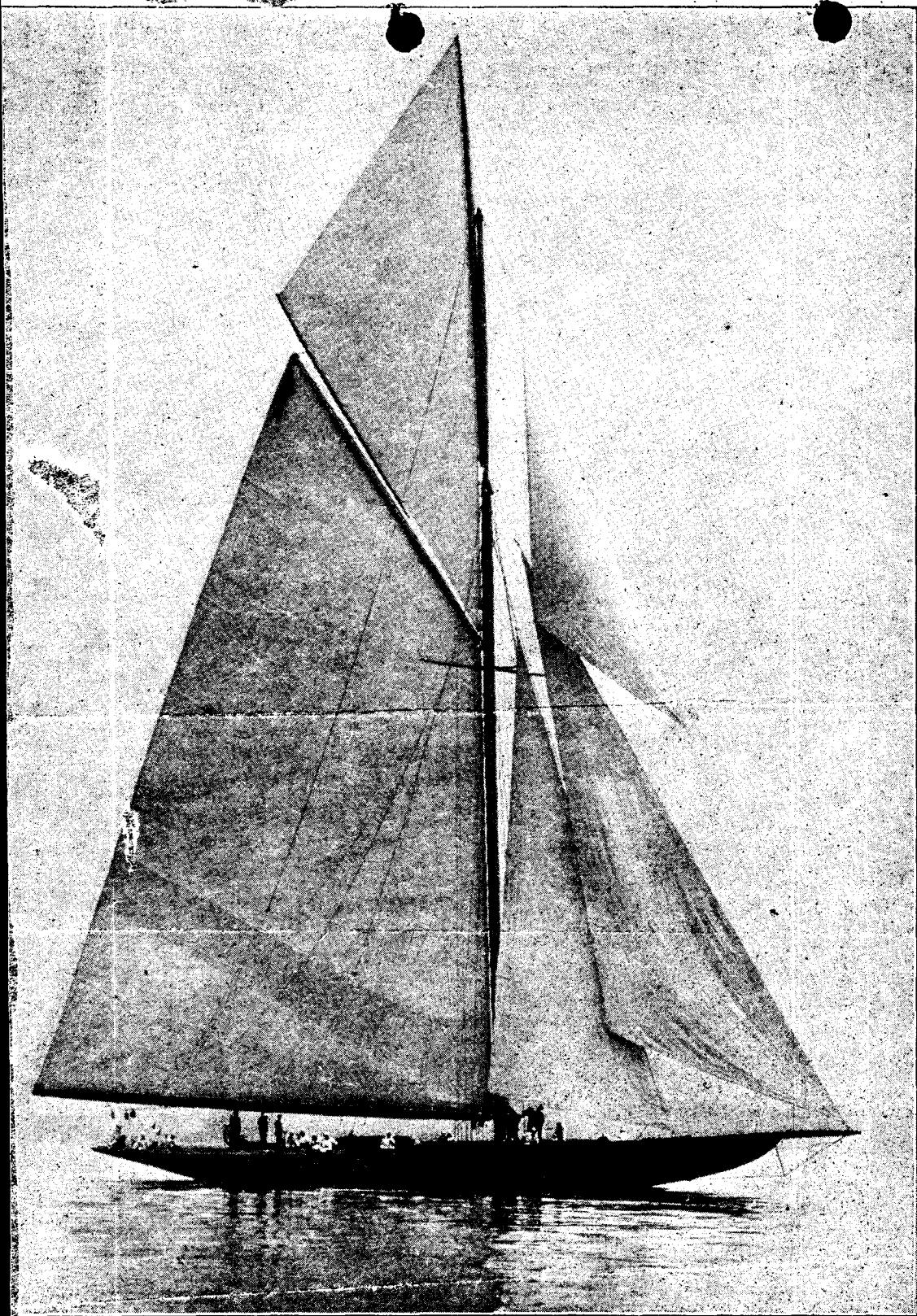
HENRY ALBERTINI. This alien is an Italian, well-educated and speaking German, French and English in addition to his native language. He has been in this country several years during which he had been active in various types of radical turmoil including the secretaryship, for a while, of the local branch of the I. W. W. He took a prominent part in the doings of the Political Amnesty League, an organization seeking to secure the release of "political" offenders, and had been engaged in the distribution of I. W. W. and communist literature. He was arrested in June, 1919.

WHEN the anarchist group was raided recently in Paterson, N. J., various letters were discovered, apparently written by Mr. Albertini. Translations of these were introduced into evidence at his hearing and his counsel uttered vigorous protest, holding the originals only were admissible. When the legal battle was at its height, Albertini calmly announced that there was nothing to quarrel about, for he had written them. He expressed a wish that the whole thing could be hurried up and gotten over with, and told the authorities to go ahead and deport him. The letters contained such phrases as "we anarchists," "anarchists such as ourselves," etc.

The immigration authorities were unanimous in recommending his deportation, and the matter went to Mr. Post. He cancelled the warrant and ordered Albertini released.

If the reader has been at all impressed by the above instances, he will do well to bear in mind that we have discussed only the high spots. A volume might be written containing nothing but detailed accounts of dangerous disturbers, as to whose hostility to our government there is complete proof, who have received similar treatment at the hands of the assistant secretary of labor. In pursuing these investigations it has seemed as though the more active and prominent a part a radical has played in the stirring up of disorders, the greater are his chances of escaping deportation. Some of the big boys, of course, have received their just due, but, for the greater part, it is the small fry that has felt the weight of the government's hand.

Thus it is that Post, the patron saint of the crimson brotherhood, sits at his Washington desk and merrily spikes the guns of the immigration bureau and the department of justice. Should the proletarian revolution triumph, as Post's friends assure us that it will, it will be interesting to see what sort of fat job St. Louis will be given under the new regime.



—Photograph by International Film Service, Inc.

The Vanitie, off City Island, New York, trying out for the trial races with the Resolute.

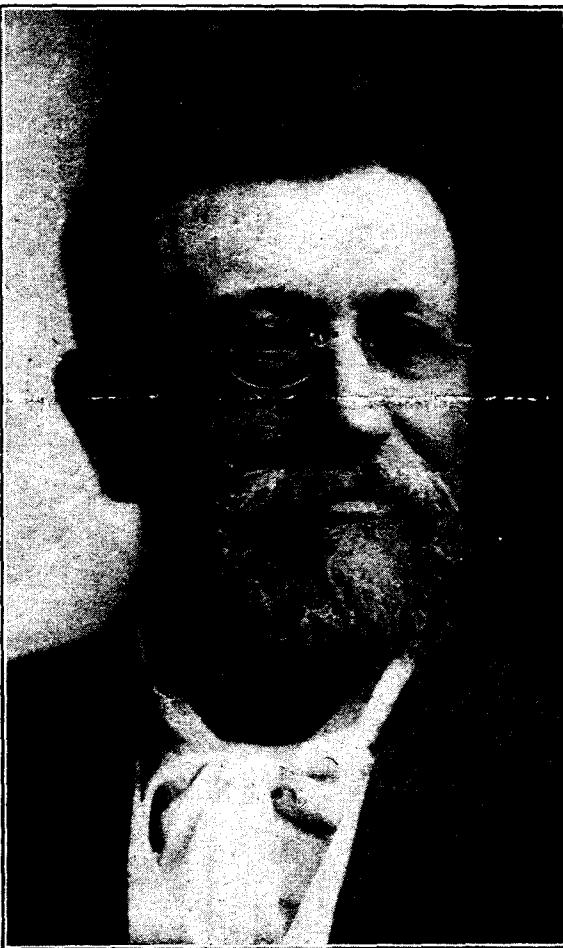
Violent Reds Turned Loose Here By Decisions of Post

Admissions That They Believe in Overthrow of Government By Force and the Preaching of That Doctrine Are Disregarded and Aliens, Held for Deportation, Are Set Free To Resume Agitation; Some Specific Cases Taken from U.S. Documents

By R. J. McLaughlin

399

IN THE machinery which the United States government has set in motion to rid the nation of those strangers within its gates whose only mission is to accomplish the violent overthrow of constituted authority, there has been tossed a wrench which damages the whole mechanism. That wrench is Assistant Secretary of Labor Louis F. Post. This gentleman is charged with the duty of passing upon the cases which the immigration bureau has thought to warrant deportation and, in his judgment, to affirm or negative the recommendation of the bureau. The arrests are made by the department of justice, hearings are held before the immigration authorities, and a final review is given by the commissioner-general of the bureau. After that, it is "up" to Mr. Post. His conduct has been of such nature as to make him exceedingly popular with red brethren of all shades of redness, to discourage conscientious federal agents everywhere, and to burden the country with a host of dangerous malcontents, many of them self-styled "agents of the government."



—Copyright by G. M. V. Bucks, Washington, D. C.
This Is Mr. Post.

The record and decision were then turned over to the bureau of immigration.

In some manner of the recommendations, the assistant secretary rendered a decision attached to the document by another officer, who had no action taken on the case. He reviewed it, making a new summary, which was differently, but in the same subject matter as the original one, and the new set of papers went through the same channels as had the others, concluding with the commissioner-general's once more recommending deportation. The papers went to Post.

This time, on the same evidence and with the same recommendations, the assistant secretary rendered an exactly opposite decision, cancelling Laczynski's deportation warrant and ordered him released.

AUGUST HERRMANN. This alien is a German, born in Russia. He was a member of the executive committee of the "Local Wayne County Communist

209264
FBI-BOS

Louis J Post

May 24, 1930.

MEMORANDUM FOR MR. BURKE.

63997

The Attorney General advised me this morning that he would appear before the Committee on Rules of the House of Representatives on Friday morning to answer certain charges against this department and to give certain information concerning Mr. Post. In view of the fact that the particular charges against the department have been directed to the conditions existing in the Boston District, I believe it would be advisable to have special agent Kellcher report to this office not later than Thursday of this week. Likewise, as special agent Stone has assisted materially in the preparation of legal memorandums in answer to certain of the charges, it is requested that he be ordered to report to this office not later than Thursday of this week.

Respectfully,

209264

JUN 2 1920

Louis J Post

63992

May 24, 1920.

MEMORANDUM FOR MR. DURKEE.

The Attorney General advised me this morning that he would appear before the Committee on Rules of the House of Representatives on Friday morning to answer certain charges against this department and to give certain information concerning Mr. Post. In view of the fact that the particular charges against the department have been directed to the conditions existing in the Boston District, I believe it would be advisable to have special agent Kellacher report to this office not later than Thursday of this week. Likewise, as special agent Stone has assisted materially in the preparation of legal documents in answer to certain of the charges, it is requested that he be ordered to report to this office not later than Thursday of this week.

Respectfully,

209264

November 2, 1920.

John M. Henrake, M.D.,
Box 3185,
Boston, Mass.

Dear Sir:

I am in receipt of your communication of the 30th ultimo inclosing newspaper clippings from the "Boston Transcript" and other papers upon the activities of LOUIS F. POST and the action of the American Legion in connection with the same.

I desire to express appreciation of your interest in forwarding such editorial to the information of the Bureau.

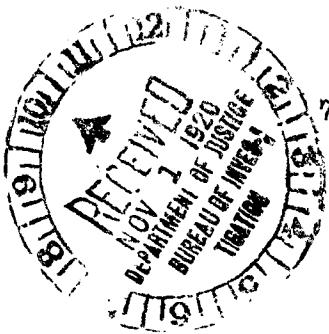
Very truly yours,

Chi. of.

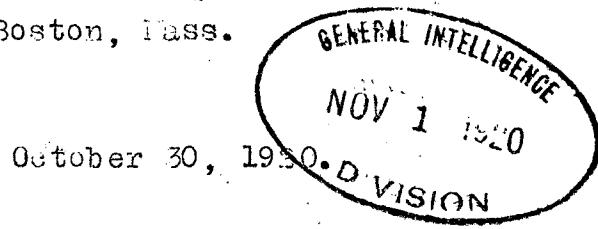


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Department of Justice,
Bureau of Investigation.



7 Water Street, Boston, Mass.



October 30, 1920.

Lewis J. Baley, Esq.,
Chief, Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Sir:

Attention of J. E. Hoover, Esq.

11-2-3

This office is transmitting herewith several newspaper clippings from the Boston Transcript of recent date, in which are contained various references to Assistant Secretary of Labor Post, which may prove of interest to the Bureau.

Among the above are reprints from the Albany Journal, New York Times and Syracuse Post Standard, as well as an editorial touching upon the recent action of the American Legion in reference to Mr. Post.

Yours very truly,

John B. Hamilton

Special Agent in Charge.

J.W.D

Inclosure.

FRS*SDW

Louis Post

20926

SPECIAL DELIVERY

ROUTED
D.P.

Newark, N. J.,
May 10th, 1920.

J. E. Hoover, Esq., PERSONAL
Spl. Asst. to the Attorney General,
Department of Justice,
Washington, D. C.

Dear Sir:

Supplementing my memo of Saturday in the matter of the testimony of Mr. POST before the House Rules Committee, I note from the report of the meeting as contained in yesterday's (Sunday's) "NEW YORK TIMES," the following statement attributed to Mr. Post:

"I am utterly out of sympathy with the attitude of physical force of the philosophical anarchists. For thirty years I have been fighting that. In the deportation cases all I have tried to do was to find out whether the alien was guilty or not guilty."

This question occurs to me: "Guilty or not guilty" of what? Taking the paragraph quoted above in its entirety and having particularly in mind the action taken by Mr. Post in the cases of the ERA NUOVA GROUP and FRANCESCO FERRER ASSOCIATION, made up of philosophic anarchists, it would appear that Mr. Post has in mind not whether they are guilty of being anarchists but whether they are guilty of being terrorists. The distinction which he seems to draw is that between the anarchists of the philosophic cult, who are pacifistic and whose propaganda is disseminated in the shape of literature and education and the individualists, who seek to bring about their ends through terrorism, the first expression of which is the assassination of public officials and the placing of bombs generally.

As I pointed out in a letter I wrote you recently concerning the action of the Department of Labor in cancelling the warrants in the cases of the Era Nuova Group, particularly those of FRANZ WIDMER and ALBERTO GUARTELLO, the provisions of the Immigration Laws, which Mr. Post so frequently resorts to, makes no distinction, nor has any Court so far as I am aware

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ON 30 3 1977 ✓

in passing on the provisions of the Immigration Act held such a view. I might point out that CAMINETTI and many other anarchists of the philosophic type that I have discussed the subject of anarchy with hold the same views as Mr. Post, they, too, are unalterably opposed to the individualist anarchists as they feel that their anarchistic doctrines do more to hurt the cause of anarchy than any other instrumentality. It is suggested that the Rules Committee question Mr. Post on this subject. Ask him flatly if he believes that philosophic anarchists fall within the vice of the Immigration Act.

He speaks of the physical force of the philosophic anarchists. This must be a typographical error as he certainly knows that the philosophic anarchists are opposed to force and if he does not know this, then apparently he has gleaned little from the many immigration records which he is supposed to have reviewed in arriving at his decision to cancel the warrants in many such cases.

In discussing the case of ENRIQUE FLORES MAGON, the newspaper article referred to herein quotes Mr. Post as follows:

"did not believe in anarchism in any accepted sense of the term," although he admittedly was a "Communist Anarchist."

What does Mr. Post mean by "accepted sense of the term?" What is the "accepted sense of the term?" What does "Communist Anarchist" mean? It is submitted that he ought to make this clear. During my time with the Immigration Service, I was interested more or less in the enforcement of the anarchist features of the Immigration Act and I don't recall ever having had brought to our attention in the field any definition of the word "anarchist" and personally have no knowledge as to the accepted term. My understanding of the word "anarchist" has always been that it involved the absence of Government. During the HENRY FORD suit against the "CHICAGO TRIBUNE" I followed the case closely to ascertain as to what the argument was on the definition of the word "anarchy" and it seemed, as I read the reports, that it resolved down to a question of the absence of Government,

It is submitted that the methods used by the various cults to bring about the substitution of anarchy for the present State is immaterial and has no place for consideration in the determination of the status of an alien under the Immigration Act, as in the case of an anarchist if he admits being an anarchist the inquiry need go no further. He then ipso facto falls within one of the classes whose expulsion from the country is made mandatory by law. The law provides that when the Secretary of Labor is satisfied that an alien is here in violation of the law that such alien shall be deported, not that he may be deported or can be deported, but shall be deported. The Secretary has no discretion having become satisfied that an alien falls within that class, i.e., anarchist.

As regards the statement by Mr. Post that "aliens rounded up by the Department of Justice Agents were examined by those agents after the fashion of a police ~~inquisition~~, not informed of their rights to counsel and fair trial, being in plain contravention to a court decision," it is well known that even in criminal cases confessions if obtained under proper safeguards are admissible in evidence and admissions on the part of the defendant are always admissible even though obtained without advising defendant that it may be used against him and in now place in criminal law is it necessary to advise a defendant at the time of his arrest of his right to be represented by counsel. In this connection, I recall the remarks made, in connection with a case arising under the Immigration act, by the Presiding Judge of the Circuit Court of Appeals for the Second Circuit (New York), JUDGE LAGOMARZI, to the effect that an alien is more apt to tell the truth to the Inspector at the time of his arrest and before he has had opportunity to be coached by counsel than he is afterwards.

I don't know what Mr. Post means by "police inquisition" but if he means that there were any "third degree," duress or violent methods used, then, speaking for the large number of arrests made in this district, I deny the accuracy of that remark so far as it applies to these cases. I have handled cases both as an Immigrant Inspector and as a Department of Justice Agent and the examination in one was the same as it was in the other. Moreover, there was an Immigrant Inspector present during the course of the examinations and I know that these examinations are not in contravention of any Court decision and in this connection I might advert to the criticism that has been leveled at this Department for making arrests without warrants and point out that this was, during my time in the

Immigration Service, the rule rather than the exception. On the Mexican Border where a great many arrests are made under the Immigration Act, it was a rare case, indeed, where the Inspectors had a warrant when they made an arrest. The practise was to arrest, detain and wire Washington for a warrant and I have no doubt that the procedure is the same today. So far as I am concerned, there was no objection to it at that time. I know whereof I speak because I was the officer that made the arrests. We did try to get warrants in each case before making the round. It was the rule to arrest without warrant and to arrest with a warrant the exception. What has the Immigration Service to say about this? I think the same condition will be found to exist on the Canadian Border as on the Mexican Border.

In conclusion, it is submitted that a hearing before an administrative officer in a proceeding to expel an alien "is not a trial," in the sense that Mr. Post endeavors to set out and while he may find a decision among those handed down by the lower Courts to support him, there are decisions by the Supreme Courts holding the direct opposite and in this connection I would refer you to the brief which I prepared and submitted to you before I took sick, wherein you will note more than one decision of the Supreme Court holding that these are administrative hearings and not trials. Trials are held before juries, not before administrative officers. The fact is that the Supreme Court of the United States declared a certain section of the CHINESE EXCLUSION LAW unconstitutional because Congress sought to impose a penalty for illegal entry into the United States on the part of a Chinese alien, and the defendant to be tried before a U. S. Commissioner, without a jury, and conviction to be sentenced to imprisonment up to one year. Moreover, deportation is not banishment as is sought to be proven by the radical elements in these days. The Supreme Court has passed directly upon that and has held that it is not banishment, that it is merely a case of the United States exercising its sovereignty declaring that an alien who does not comply with our laws can no longer remain in our midst. Please note my brief sent to you recently which also covers this point.

Respectfully submitted,

FRANK R. STONE
Special Agent in Charge.

P.S. Why should a Government officer resort to decisions of inferior courts to justify a decision adverse to the Government when there are decisions of superior courts which would not only justify a decision in favor of the Government but, indeed, make such a decision mandatory.

209264

Department of Justice,

Bureau of Investigation.

WJW

Boston, Mass., May 17, 1920.

Frank Burke, Esq.,
Assistant Director and Chief,
Bureau of Investigation, Attention of J. E. Hoover, Esq.
Department of Justice,
Washington, D. C.

Dear sir,

Acknowledgment is made of the receipt of Bureau letter
of the 15th instant, initialed JEH-HG, inclosing copy of a
communication received from the Chairman of the Committee on
Rules of the House of Representatives, forwarded him by counsel
for Assistant Secretary of Labor Post.

It is respectfully desired to inform the Bureau that
owing to an agreement entered into with Mr. McCarthy, secretary
to the Director, on Sunday, the 16th instant, to prepare and
have ready for submission to him on his departure from Boston
this evening a summarized report on the investigations made
by this office in connection with the bomb explosions of June
2, 1919, which report required the entire day in the prepara-
tion of the same, it has been impracticable to give attention
to the above-mentioned Bureau communication. Therefore, in
order to comply as well as possible under the conditions this
office submits herewith a preliminary statement in general
to be followed by a more detailed one later.

The paragraph numbered one in the letter of counsel for
Mr. Post refers to the Bureau instructions of December 27th,
1919, which the Bureau undoubtedly has.

As to paragraph numbered two in said letter, this office does not know of any communications sent the Bureau in which the Bureau was advised that arrangements would be made to have meetings of the parties referred to held on the evening of January 2, 1920. Also, any employees of this office engaged as under-cover informants were members only of the organization.

Concerning paragraph numbered three, this office will furnish as nearly as can be possibly done the number of citizens and the number of aliens taken into custody on the night of January 2d. In a number of the meeting-places of the Communist party visited on that night those present were taken to the police-station for questioning, while in other places the questioning occurred at the hall and those who were alien members of the party were removed to the police-station. All persons booked at the police-stations were held as "suspicious persons", under a Massachusetts statute which permits of a person being held for twenty-four hours, and at the end of that time those held were conveyed to the Immigration Station at Deer Island, Boston, but to the knowledge of the writer out of the 441 persons taken there but three were United States citizens, one a member of a New Hampshire local, one an officer in the Estonian branch, and one prominent in the Lynn, Mass., branch. As to the number of those arrested on Immigration warrants of arrest previously issued that will require the review of the entire 441 cases so as to compare dates. As to the detention of those for whom telegraphic warrants were issued, it must be said that on January 4th all aliens were

delivered into the custody of the Immigration Service at Deer Island, Boston, together with copies of telegrams sent the Bureau requesting warrants of arrest by telegraph , so that if any delay in the issuance of legal warrants of arrest occurred it would be chargeable to the Department of Labor, except in so far as this office, under instructions, took into custody aliens and at the same time requested telegraphic warrants. Relative to being permitted to communicate with relatives and friends, after the first week, which was taken up in clearing up details and awaiting examinations by the local Immigration officers who were then engaged on the examination of a large passenger ship - the local office being in no condition so far as number of inspectors was concerned to handle such a large amount of warrant cases - the alien radicals were permitted to have relatives and friends visit them every day, to the capacity of the number allowed, viz., twenty - although this office permitted at times as many as thirty - preference being given to near relatives and to those who came from distant points; and after the first few days all letters sent by those detained were placed in the mails and all letters received for those detained were delivered. Counsel were permitted to confer with aliens, in accordance with Immigration Regulations and under such conditions as the Immigration authorities saw fit to administer in accordance with law and was nothing with which the Boston office of this Bureau was concerned.

Referring to paragraph numbered four, search warrants for searches at Worcester were issued by the U. S. Commissioner

and at Lawrence, Mass., the police department secured search warrants for each and every place. In no instance, so far as is known by this office, was any search made over the protest of a person, the persons generally making no objection but, on the other hand, permitting the search without remonstrance.

Adverting to paragraph numbered five, so far as is known at the present writing, Immigration warrants of arrest had been previously issued for all persons in Fitchburg and four warrants were not served in order to not impose any hardships on four married women. At the habeas corpus hearing Immigration Inspector Root testified that the men were handcuffed and that a small light chain ran between the handcuffs. This will be verified by this office as soon as possible.

As for paragraph numbered six, it is true that 39 persons who claimed to be Hebrew bakers organizing a co-operative bakery were taken into custody at Lynn, Mass., but they were found on that night in a hall that is used as the headquarters of the Communist Party, viz., 120 Market street, Lynn, and at the time an Agent with the police called there the place contained Communistic literature of all sorts, and the occupants of the hall were asked to go to the police station, which they did willingly - and, if remembered rightly, unaccompanied by the Agent. At the police station they had to be booked under the statute and the next day were taken before the local police court and discharged.

Respectfully,

G. Keller
Division Superintendent.

Subject: Post no 15 step 209264
E.D.H.

Subjects' counsel forwarded a communication to the Chairman of the Committee on Rules of the House of Representatives.

This communication explains the detention of those arrested radicals for whom telegraphic warrants were issued, & states that they were allowed visits from friends & relatives - Search warrants were issued in every case where a search was made & no such case was made except of a person -
e.g. S. Kocikiew.

5-17-2

Feb 209 1844
F. D. Peck
Previously consolidated

For Consolidation
G. J. P. H.
Pérez.

1883

20926 H RDA

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, WASH., CHAIRMAN.

ISAAC SNYDER, N. Y.

HAROLD JOHNSON, MINN.

ROSCOE C. CULLOCH, OHIO.

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HAYS B. WHITE, KANS.

KING SWOPE, KY.

ADOLPH J. SABATH, ILL.

JOHN E. RAKER, CALIF.

RILEY J. WILSON, LA.

BENJAMIN F. WELTY, OHIO.

JOHN C. BOX, TEX.

P. F. SNYDER, CLERK.

Aug 24 1920

HOUSE OF REPRESENTATIVES,

COMMITTEE ON
IMMIGRATION AND NATURALIZATION,

WASHINGTON, D.C.

August 21, 1920

Sept file 209264

Hon. J. E. Hoover,
Special Assistant to the
Attorney General,
Department of Justice,
Washington, D.C.

My dear Mr. Hoover:

In reply to your letter of the
19th inst. I beg to advise that copies of the
hearings therein requested have this day gone for-
ward to you under separate cover.

yours sincerely,

Gaffey
Assistant Secretary

38-466

Dept file
209264

File

33992

POST, LOUIS FREELAND. — assistant secretary of labor,
editor, "Vigil," New Jersey, Nov. 15, 1849; b. Eugene
J. and Elizabeth (Freeland) P.; public school education;
m. Anna Johnson, of Hackettstown, N.J., July 6, 1871 (died
Nov. 14, 1891); 2d, Alice Thacher, of Orange, N.J., Dec.
2, 1893; father of Charles Johnson P. Learned printers
trade, Hackettstown; admitted to New York bar, 1870;
assistant U.S. Attorney, New York, 1874-5; editorial writer
on New York Daily Truth, 1879-82; returned to law practice,
1883, and abandoned it, 1890. Became interested in Henry
George and his teachings, 1881; ran for Congress in New
York on labor ticket, 1882, for atty.- gen. of N.Y. on
Greenback ticket, 1883, and for dist. atty. of New York
on labor ticket, 1887. Has advocated singletax and allied
economic reforms since 1881; edited the Daily Leader (George
campaign paper), 1886; contr. to The Standard, 1886-91;
editor, same, 1891-2; editor, Cleveland Recorder, 1894-7;
founded, 1896, and, with Alice Thacher Post, editor The Public
Chicago, until 1913; pres. Soc. of Labor, U.S., 1913—.
Chairman Single Tax Nat. Conf., New York, 1891; Chicago
1893; Mem. Chicago Bd. Mem., 1894-9; pres. Chicago Charter
Conf., 1906-8; Mem. Manhattan Single Tax Club, New York.
Clubs: Literary, City (Chicago); Ocean (Washington).
Author: The George-Henry Campaign, 1887; Ethics of Demo-
cracy, 1906, 2d edit., 1924; The Prophet of San Francisco,
1908; Ethical Principles of Marriage and Divorce, 1908;
Social Service, 1909; Good Will Formation, 5th edit., 1916;
The War and What It Means to Us, 1917.
Legal Residence: Chicago. Home: 2513 12th St. N.W.
Office: Dept. of labor, Washington.

BEST COPY AVAILABLE

March 27th, 1917.

Cec. P. Galt,
128 First 37th St.,
New York City.

Dear George:

Yours of the 22nd inst. at hand, with statement by Herbert Wick enclosed.

I regret that I cannot at this time write you a story about the I. . . . campaign among the Agricultural Workers. Under separate cover I am sending you a copy of my report to the 10th Convention, which has a very brief comment upon the work accomplished by Agricultural Workers Industrial Union No. 400.

If the Commission to which you are now attached are really anxious to find out what the Agricultural Workers are doing, I would suggest that you make a trip to Minneapolis, visit the headquarters of No. 400, learn something about the work of that Union at first hand. Stop here enroute and let me give you an introduction to the Secretary-Treasurer.

Of course I have access to the eleven volume edition of the Industrial Relations Commission's Report, but I would like to have a copy of the Report of my own. The one I have in the office was secured through Senator Harry Lane, and I really haven't a Congressman on the staff now to whom I would want to direct a request, so if you have a vulnerable Member of the House of Representatives, I am going to take advantage of your good offer.

Geo. P. West

2

to get me what I regard as the most interesting literature ever published by the Government.

Geo. Andreytchine was in the office when your letter was received. Gave him your address. He is returning to the Mesaba Range tonight.

Not having seen a copy of the Mediators' Report of their investigation on the Iron Range, I am unable to tell you what probable effect it had on the authorities, but something evidently got under the hide of the District Attorney, as he made the overtures to the Counsel for the Defense. Would like very much to get a copy of the Mediators' Report if the same is available. Whom should I address?

No, I have not seen Bertrand Russell's "Boost for Syndicalism". Where did it appear?

With very best wishes to yourself and bride,
I am

Sincerely Yours,

General Secretary-Treasurer.

WDH-HLC.

FRC
GJ

BEST COPY AVAILABLE

THE JOSEPH FELS INTERNATIONAL COMMISSION

122 EAST 37TH STREET
NEW YORK

TEL. VANDERBILT 3767

March 22, 1917.

Hon. W. W. Haywood,
General Secretary,
Industrial Workers of the World,
West Washington Street,
Chicago, Ill.

Dear Bill,

I am starting a publicity service for
this Commission, which is planning a single tax
propaganda on broader lines than formerly. One of the
first things we are sending out is the enclosed
statement by Herbert Quick, now a member of the
Farm Loan Board.

In this connection I would like very much
to have a story about the I. W. W. campaign among
agricultural laborers, to make people realize that
talk like Quick's is not about something in the
future, but that conditions are already ripe for
an upheaval. If you have not done so, I would advise
you to read his testimony in volume 1 of the
eleven-volume edition of the Ind. Wel. Com.'s
testimony, just printed by Congress. I imagine you
have a set of these, if not, any Congressman will
send you one, and if you haven't any Congressman
on your staff let me know. I'd have to write a
Congressman, as the entire edition was put out
through them.

I'd like very much from your office a resume of your organizing work among farm hands and casual labor in general, also the prospects for this summer. Quick in his testimony referred to utters the wish that there were case upheavals like the Mc Namara and Lawrence strike among agricultural laborers. It would make a good line for some of your literature.

Will you please tell me where Andreytchine is, if you know, and what is the latest from Minnesota? Did the mediators' report have anything to do with discouraging the District Attorney up there?

Since seeing you last I have been married. I resigned from the Industrial Relations Committee because I was tired of such close association with the ... r. of L. and also doubtful that the Committee was earning its salt.

I hope you continue to enjoy better health and are as optimistic as ever.

Sincerely yours,

Geo. P. West.

P. S. The point of using Quick's testimony at this time is that it was given in executive session at the very start of the Commission's work. It was never before available for use, and had been forgotten by the Commission itself... How can I get in touch with your people in New York? Have you seen Bertrand Russell, "boost for syndicalism in 'THE MEN FIGHT'?"

Geo. P. West
Geo. P. West

J. J.

1535

October 6th, 1916.

Geo. W. West,
1120 N. Michigan St.,
Chicago, Ill.

FROM E. W. W.
CHICAGO, ILL

Yellow Journal:

Enclosed are 2 copies of the 3nd instant with enclosure at hand. Will regard same as strictly confidential until the hour comes for its release.

You will have read in the papers this morning account of the tragic occurrence at Leavenworth where a gang of the I. . . . were killed, and thirty wounded by vigilantes. Three hundred are now under guard at Leavenworth. Two thousand received to Leavenworth, however, 2000 more are being held. The vigilantes first fired upon the men and women on board the boat.

With best wishes, I am

George C. Industrial Union.

General Secretary-Treasurer.

W.D.H.-R.L.S.

VANCE C. MCCORMICK
CHAIRMAN

HOMER V. KING

WILBUR W. MARSH
TREASURER

T. GLASS
SECRETARY

HENRY MORGENTHAU
CHAIRMAN FINANCIAL COMMITTEE

BEST COPY AVAILABLE

Democratic National Committee

ROBERT W. WOOLLEY
DIRECTOR OF PUBLICITY

HEADQUARTERS:

30 EAST FORTY-SECOND STREET
NEW YORK

November 2, 1916.

Mr. W. D. Haywood,
166 West Washington Street
Chicago, Ill.

Dear Bill:-

Enclosed is a copy of a letter which I am mailing today to Mr. Keyes, as he is the man who wrote me in regard to the Mediator's report.

Faithfully yours,

Geo P. Morris

GPW.M
Enclosure

FROM L. W. W.
CHICAGO, ILL.

C O P Y

November 2nd, 1916.

J J

Mr. John A. Keyes,
Manhattan Building,
Duluth, Minn.

Dear Mr. Keyes:-

After the
~~I~~ receipt of your first letter,

Three weeks ago I wrote to the Mediators at Washington, and since then have met both of them by appointment.

Please consider what I am about to say is absolutely confidential. Their report will exceed every expectation, and will fully meet the points covered in your letter. It will be submitted to the Secretary of Labor about November 8th or 10th. That is the earliest date which the Secretary will be back ~~from~~ ^{at} Washington. Copies of the report will be sent within the next week or two to each of the three Mayors, and to the Chairman of the Strike Committee, who signed the request for Mediators. Mr. Power, therefore, will have a copy, and there will be nothing to prevent such use of it as seems best in the trial.

Will you please destroy this letter and remember and avoid giving anyone any information that you have any inkling what the report will say.

Cordially yours,

GPW.M

P. S. I remain cordially yours
for the report I would &
the sooner the better.

417

September 22nd, 1916

Wm. Mc Donnell,
Secy., Local 1475,
U.M.W.of A.,

Fellow Worker:

Yours of the 21st instant with letter enclosod
signed by Louis P. Post from the Department of Labor, and
sheets from the Journal, at hand.

F. J.
Yesterday, I sent you a Special Bulletin, with
the news that the strike had been declared off, and the
defense of the prisoners is now on in earnest. We have
got to raise a large amount of money to secure a first-class
lawyer. we cannot let these people remain in prison, or
go to the gallows.

The Post letter is truthful in so far as Davies
and Fairley were on the Mesaba Range and made an investigation.
The strikers furnished them some hundreds of
startling affidavits, but as I understand it, the mediators
are still meditating over their report, as I have heard
nothing in regard to anything that they have done.

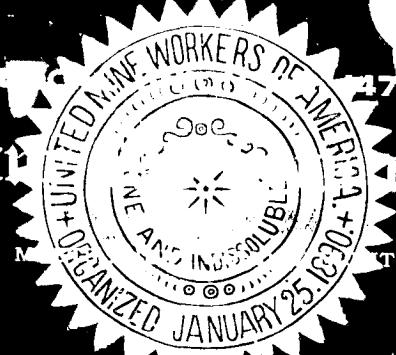
Elizabeth Gurley Flynn starts Sunday September
24th, speaking at protest meetings to raise funds for
the defense, commencing at the " Twin Cities". A letter
addressed to her, care of W. T. Nef, Box 1776, Minneapolis,
Minnesota, if written at once, will undoubtedly reach her.

With best wishes, I am

Yours for Industrial Freedom.

United Miners of America

Sub-District No. 6 of District No. 12
Affiliated with the A. F. of L.



Panama, Ill.,

Sept 21st

1916

Wm D. Haywood

Chicago Ill

Fellow Worker

at our last meeting I was

Elected Delegate to State Federation of Labor Committee
"at Quincy Ill" and I figured I would do something
started there that would be of some help to the
Iron ore strikers, but I recieve a few days from the
me the St Louis Post Dispatch showing we are still
on front page saying the strike is called off
since 19th Sept I wish to know full particular
in regards to this.

I'm enclosing copy of Letter from Department of Labor
at Washington D.C. and wish to know if its truthful

I'm also enclosing page out of United mine workers journal where
one of our protest letters appear.

Bill after our next meeting I will forward you
the quarterly financial report of District 12 Illinois.

If strike is called off where will a letter
catch Flynn? If strike is called off is there
anything still needed of me that I could do at Quincy
Yours truly Wm McDonnell

T. A. Lewis, President
Angelo Corradini, Fin. Secy.

Wm. McDonnell, Rec. Secy.
Peter Smith, Treasurer

United Miners of America

Sub-District No. 6 of District No. 12
Affiliated with the A. F. of L.



Panama, Ill.,

191

Department of Labor
Office of the Secretary
Washington

Sept 7. 1914.

Wm. McDonnell, esq.

Recording Sec.

Local Union No. 1476,

United Mine Workers of America,

Panama, Ill.

My Dear Sir:

In the absence of Secretary Wilson, I beg to acknowledge receipt of your letter of Aug. 26th with further reference to the strike of Iron Workers in the Bessemer district. Mr. Hywel Davies, of Kentucky, and Mr. W. R. Fairly, of Alabama, who were recently appointed Commissioners of Conciliation by this Department, are at present endeavoring to effect an adjustment which will be satisfactory to both sides. It is hoped that a settlement may be reached at an early date.

Very truly yours,

Louis S. Post, Assistant Secy.

FROM I. W. W.
CHICAGO, ILL.

DEPARTMENT OF LABOR
Office of the Secretary
Washington
Division of conciliation

Sept. 7, 1916.

Mr. McDanell, Esq.
Regarding Secretary,
Local Union No. 1470,
United Wine Workers of America,
Panama, Ills.

FROM I. W. W.
CHICAGO, ILL.

My dear sir:

In the absence of Secretary Wilson, I beg to acknowledge receipt of your letter of August 26th, with further reference to the strike of Iron Workers in the Kenosha District.

Mr. Nywel Davies, of Kentucky, and Mr. W. L. Fairley, of Alabama, who were recently appointed Commissioners of Conciliation by this Department, are at present endeavoring to effect an adjustment which will be satisfactory to both sides. It is hoped that a settlement may be reached at an early date.

Very truly yours,

(signed) Louis T. Post

Assistant Secretary

6e

Sep. 6, 1916.

Geo. P. West,
Committee on Industrial Relations,
Southern Blks.,
Washington, D. C.

Dear George:-

I inclose you copy of letter received from the postal authorities by the editors of Robachaya Rech. This is the official Russian paper of the Industrial Workers of the World published in Chicago.

I do not know who the supernumerary is who translates for the postal authorities, and don't know whether you can help us any in this matter or not. I have asked the boys who print the paper and they assure me that there is nothing in the numbers complained of or in any number ever printed of the nature set forth in the letter from the Postal Department. The provision proposed, that of furnishing a complete English translation, is almost impossible.

I know that you are interested in a free press, even in the Russian language, and think you might have some acquaintance in the Postal Department who could put me in the way to get this matter straightened out.

The strike on the Range is still dragging along. Mrs. Masanovitch, four strikers, Carlo Tresca, Sam Scarlett, and Joe Schmidt have been indicted on first degree murder charges. They are up against a hard fight. Tried to get Frank Walsh, but the docket is full at the next term of court. Will probably have Judge Hilton of Denver as chief counsel.

FRANK P. WALSH,
KANSAS CITY, MO.
JOHN B. LENNON,
BLOOMINGTON, ILL.
WES O'CONNELL,
WASHINGTON, D.C.
AUSTIN B. GARRETTON,
CEDAR RAPIDS, IOWA
JOHN P. WHITE,
INDIANAPOLIS, IND.
AGNES NESTOR,
CHICAGO, ILL.
FREDERIC C. HOWE,
NEW YORK, N.Y.
RT. REV. C. D. WILLIAMS,
DETROIT, MICH.
JOHN FITZPATRICK,
CHICAGO, ILL.
HELEN MAROT,
NEW YORK, N.Y.
AMOS PINCHOT,
NEW YORK, N.Y.
DANTE BARTON,
WASHINGTON, D.C.

COMMITTEE ON INDUSTRIAL RELATIONS

17TH FLOOR, SOUTHERN BUILDING, WASHINGTON, D.C.

OFFICERS
ADDRESS AT WASHINGTON, D.C.

FRANK P. WALSH, CHAIRMAN
JOHN B. LENNON, TREASURER
DANTE BARTON, VICE CHAIRMAN
BASIL M. MANLY, DIRECTOR
GEORGE P. WEST, EDITOR
OTTO F. BRADLEY, SECRETARY

Sept. 1, 1916.

Dear Bill,

Thank you for the harvest hands circular and your letter about them. No one appreciates better than I what the I. W. W. does for migratory labor. I was at Wheatland a few hours after the riot broke out, and I know what has been done through the west. And I'm mighty glad to hear that those old fashioned strong-arm methods are the work of High Jacks. My idea was that the I. W. W. is defeated when it has to use those methods on the workers.

Croly telegraphed me last week for a Mesaba range article. He said 2,000 words, but I wrote more than that, and some of the parts I particularly wanted him to print are left out. He wrote that he simply had to cut it down to make the 2,000 word limit. I know by past experience that they have a pretty iron-clad rule against running more than 2,000 words. The only advantage of such an article in such a sheet is that it reaches a lot of respectable people and gets under the skin of the big fellows to some extent.

I had an article on the Arizona strike that brought a six-page rise out of Walter Douglass of Phelps, Dodge & Co.

Please write me just what the strike situation is, as to hope of forcing a settlement. Andreytchine writes that he's organizing around New York. With best regards,

FROM I. W. W.
CHICAGO, ILL.

Geo. P. West

West - 2 -

The Croly you mentioned, is I suppose, the editor of the New Republic, though you didn't state that fact.

Will be glad to see your story. Some members of the I. W. W. are in jail at Morenci at this writing. Cannot give you details.

With best wishes, I am

Yours for Industrial Freedom,

Gen. Sec'y-Treas.

C O P Y

BEST COPY AVAILABLE LOCAL UNION NO 1478.

UNIVERSITY LIBRARY - WASHINGTON D. C. - AMERICA.

Panama, Illinois, August 24th, 1933

No. 20 Hollywood,
Los Angeles, Calif.

Follow Us

Received yours of the 7th, and am very
proud to report that the hall ready with audience at our
meeting "A. No. 1. of the Monting" there were 130 present
with, in addition, a few scores from the "A. No. 2."
from the former, "the Starlo Room."

I don't know who to think for those
old families of literature but I suppose it is
the old families of literature. How are you? I hope you
are well and happy. How, I would be glad to see you
again if we ever get together again. Please let me know if you
are still at home.

ESTIMACIONES DE LOS PRECIOS
DE LA INFLACION EN 1982 PARECEN MUY BAJAS
ESTIMACIONES DE LOS PRECIOS DE LA INFLACION
EN 1983 PARECEN MUY ALTO

ADDRESS REPLY TO
THE ATTORNEY GENERAL,
AND REFER TO
INITIALS AND NUMBER

2092

JEH-GPO

DEPARTMENT OF JUSTICE,
WASHINGTON, D.C.

34002

October 19, 1920.

MEMORANDUM FOR FILES.

Attached hereto are two copies of the statement of the Attorney General before the Committee on Rules, House of Representatives, on June 2, 1920, in connection with charges made against the Department of Justice by LOUIS F. POST and others.

Respectfully,

J. E. Hoover

61-2131-8

I am here in response to a letter from the distinguished
Chairman of your Committee, which is as follows:

"May 11th, 1920.

"Hon. A. Mitchell Palmer,
Attorney General of the United States,
Washington, D. C.

"My dear Mr. Attorney General:

"During the hearings on the resolution affecting Mr. Post, the Assistant Secretary of Labor, much has been said with respect to the manner in which the Department of Justice is conducting affairs touching alien enemies and the reds. So much has been said that I do not feel like suggesting that the hearings be closed without giving you an opportunity to be heard, either in person or by a representative of the Department. Charges have been made reflecting upon you personally as well as upon the Department.

"For your convenience and information I quote from the statement of Mr. Ralston, Attorney of Mr. Post, on Friday, April 30th, 1920:

"The Chairman: Mr. Ralston, now what do you mean by saying that the agents of the Department of Justice were stirring up this trouble?

"Mr. Ralston - I mean exactly that, if you please.

"The Chairman - Stirring up what trouble?

"Mr. Ralston - Stirring the people, and creating Communist branches.

"The Chairman - Agents?

"Mr. Ralston - Yes sir.

"Mr. Rodenberg - Do I understand you to say that the agent of the Department of Justice are engaged in creating Communist parties?

"Mr. Ralston - Exactly that way.

"Mr. Rodenberg - In what way?

"Mr. Ralston - They are charged with obtaining the confidence of the Communists; they are charged with that duty, of going to their places and organizing branches of the Communist Parties and reporting the membership of the organization that were formed to the Department.

H. J. T.

"Mr. Rodenberg - Agents of the Department of Justice organizing branches of the Communist Party?

"Mr. Ralston - Exactly.

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"Mr. Rodenberg - I would see a justification for an agent of the Department of Justice becoming connected with the alien for the purpose of finding out what they were doing, but if the statement of Mr. Ralston is true that the agents have gone out and organized branches of the Communist Party, and by reason of their superior knowledge had induced others to join, I say it is reprehensible in the extreme.

"Mr. Ralston - We expect to be able to show it absolutely.

"Mr. Ralston - I don't know why this Red agitation goes on. I don't know whose ambition is served by its being kept up, but these are instances, and minor instances, if you please, of the way in which this country has been terrified. The result of all these thousands of bogus and good faith arrests - the vast majority being bogus - all over the country, the result of this taking place was that the Bureau of Immigration was overwhelmed with the cases that came before it, many of them containing examinations or supposed examinations of witnesses of the accused; and in cases which we will show to the Committee if we have the opportunity, where some agent apparently of the Department of Justice had absolutely committed forgery in attaching without authority the alien's signature to the supposed examination - absolute forgery, straight out - with all these cases before the Bureau of Immigration it was, if you please, as I said, overwhelmed, because there were not enough people to examine the cases.

"Mr. Ralston - We have already sunk, Mr. Chairman, to the level of the police government that existed under the Czar of Russia. We cannot sink to a lower level than that.

"The Chairman - I would not permit that statement to stand without challenging it. We have not sunk into such a level as that, Mr. Ralston.

"Mr. Ralston - Well, perhaps you and I have not, and the members of this committee I am sure have not, but the administration of justice in the treatment of aliens is on an exact par, if it is not below that of the administration of justice under the Czar of Russia, only within ten years.

"Mr. Box - I want to ask the gentleman if he is expressing the views of his client when he speaks that way?

"Mr. Ralston - The view of my client as applied to the things that have happened within the past six months under the instigation of the Department of Justice.

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"Mr. Post criticised severely the attitude of the Department of Justice in the treatment of aliens arrested as alleged radicals. Efforts had been made, he intimated, to get aliens out of the country regardless of their guilt. In raids last winter, he said, the Department of Justice had resorted to police inquisitions to force the men to make admissions of guilt. Excessive bail had also been demanded, he said, to keep men in jail when they had been arrested.

"In Mr. Post's statement, made on May 7th, was the following

"Mr. Post - A good deal was said in public and otherwise about the tremendous danger that we are confronting; these men with bombs were preparing to kill right and left.

"The Chairman - In the course of the development of what?

"Mr. Post - In the course of the development of the newspaper publicity, the newspaper drive that was made to create a great terroristic scare in the country. --- But in all these sweeping raids over the country, in which men were arrested at midnight and taken out of their beds at three o'clock in the morning in their homes, without warrant, in which their houses and their persons were searched without warrant - not by the Department of Labor, I do not undertake to say by whom, but that is the fact. These were the people afterward brought to us, great raids made upon meetings and men rounded up and taken to the police stations and a large proportion of them discharged before morning because they could not have anything against them. With all these sweeping raids all over the country, there have been three pistols, I think it is, brought to our attention in the scores of cases that have come to us. Three pistols, two of them .22 caliber. Now I do not know whether a .22 caliber is a homeopathic pill for a bullet or a cannon ball.

"I will add just one more extract from the statement of Mr. Ralston, made on Friday, April 30th.

"Mr. Ralston - But from the beginning to the end the Attorney General's office has projected itself into these affairs, has undertaken to run these things, having no legal right whatever in the premises; it has undertaken to dictate to the

immigrant inspectors that some poor, friendless man should be put under a \$10,000.00 bail, and has kept up that procedure to this day. Now I am going a step further, and I do it with perhaps some hesitation. The Attorney General has demanded that any man whom he designated for deportation should be, because of that designation, without any delay, deported from the United States. To that extent he has gone in his absolute ignorance of American principles or of the rights of the citizens or of American law.

"These statements made by Mr. Post and his Attorney before the Rules Committee have been given very wide publicity. Newspapers have carried them from one end of the country to the other. Should you desire at a public hearing before the committee to refute the charges that have been made, I shall be glad to arrange for such a hearing at your convenience.

"Yours very truly,

(Signed) "P. P. Campbell

"Chairman."

The statements of Louis F. Post, Assistant Secretary of Labor, and of Jackson H. Ralston, Esquire, his attorney, as set out in this letter, constitute a serious reflection upon the official integrity of the Department of Justice and the Attorney General and contain charges of so sensational a character that, as your Chairman has said, they have been given wide circulation in the country. I pass by the obvious impropriety of an official of our Government of the standing of an Assistant Secretary of a great department making public accusations of this character against the head of another department without first having called them to his attention. That is the least part of Mr. Post's offense. The greater part lies in the fact, which my investigation has demonstrated beyond doubt, that these charges are outrageously false, without real foundation in fact, and designed only for the purpose of obstructing the administration of the law and of bringing into public disrepute the officials of the Government charged with law enforcement

Of course, it is obvious that I cannot have personal knowledge of all the facts with reference to the conduct of the large body of agents and other subordinates of the Department of Justice in the work done under my general supervision and direction. I accept responsibility for such conduct of my subordinates as is in line with the general instructions issued under my direction; as to conduct of the officers of the Department evidently outside of those instructions, I have caused a complete investigation to be made and it is upon the basis of such investigation that I declare these charges are outrageous and unconscionable falsehoods. I had hoped that it might never be necessary for me to indulge in any criticism

of another officer of the Government and I would not do so now had Mr. Post not seen fit to publicly present, by himself and his attorney, these false and slanderous charges against me and the Department of which I am the head.

It has become perfectly apparent that Mr. Post's course in all the deportation proceedings has been dictated by his own personal view that the deportation law is wrong, rather than by any desire or intention to carry out the law as enacted by the Congress. By his self-willed and autocratic substitution of his mistaken personal viewpoint for the obligation of public law; by his habitually tender solicitude for social revolutionists and perverted sympathy for the criminal anarchists of the country, he has consistently deprived the people of their day in court in the enforcement of a law of vital importance to their peace and safety. By his wholesale jail deliveries and his release of even self-confessed anarchists of the worst type, he has utterly nullified the purpose of the Congress in passing the deportation statute and has set at large amongst the people the very public enemies whom it was the desire and intention of the Congress to be rid of. He has defied the rules of evidence as laid down by our most responsible courts, has canceled hundreds of legal warrants issued by his Department, entirely without justification and in face of the facts, has flouted the judgment of a committee of the Senate which has investigated one of the cases before him, has shown constant favors to violators of the law and their attorneys, refusing even common courtesy to the Department of Justice, which is charged with the duty of enforcing the laws, and, in order to distract public attention from his obvious failure to perform his own duty, has showered upon the Department of Justice a mass of charges of misconduct in the hope that he could put this law enforcing department of the Government on the defensive in the place of those criminal enemies of the country from whose activities our Department has sought to protect the Government and the people.

In all this it is, of course, impossible to distinguish between his own charges and those made by Mr. Ralston, his attorney, who has been speaking for him, and from the other gross misrepresentation and abuse directed against the Department from radical circles, all of which has been inspired and supported by the two gentlemen I have named. Later on I shall take up all these charges one by one and answer them in detail, both as made by Post and his attorney and as published by other sympathizers of the alien "Reds", but it seems to me that it would be neither fair to this Committee nor just to my Department and the work which it has tried to do if I did not approach the matter with a more comprehensive purpose than the mere answering of these false charges. Therefore I propose, with your permission, to submit to you as briefly as the circumstances permit a review of the international revolutionary movement, with especial reference to its manifestations of force and violence in various countries, including our own; a description of its international character and its worldwide designs, and its

growth and progress in this country when transplanted here by the agents and propagandists of revolution who have come from Europe for the purpose. Having done that, you will have the background, as indeed you will see the justification, not only for the act of Congress which we have been trying to enforce but for the method adopted by the Department of Justice in its enforcement. Having done that, I shall answer these charges seriatim, placing at your disposal at the same time any and all officers and agents of the Department of Justice who have had to do with this work in order that you may make the fullest investigation into the truth of such statements I shall make. I shall desire also to submit to you, as, a part of the entire case, statements of the activities of the so-called Radical Division of the Department of Justice, which will indicate what the Department has done during the past year or more and how it has been done in a way that has kept the peace and maintained the good order of the country to a degree that was hardly hoped for when the early forcible manifestations of the revolutionary spirit first appeared in this country in the spring and summer of 1919.

In a general way, the friends of the anarchists who have criticised the Department of Justice have sought to instill in the public mind several utterly false impressions: first, that there has been no "Red" menace in the country against which the Government ought to proceed; second, that the methods adopted by the Department of Justice have been highhanded and even unlawful and unconstitutional; and, third, that in the enforcement of this law and in its efforts to keep the peace in the country, the Department of Justice has attacked American labor. These things are so palpably false that I cannot believe they have obtained lodgment in the public mind to any wide extent. A year ago, or thereabouts, when the country was ringing with reports of actual violence directed against officials of the Government in many parts of the country, and on every hand appeared the unmistakable evidence of serious plottings against our peace and safety by enemies of the Government, the public demand for prompt counter-action on the part of the Government was reflected in the action of the Congress in making generous appropriation to the Department of Justice to support the thorough reorganization of our Bureau of Investigation, which was then inaugurated, and to proceed with all the diligence and thoroughness necessary to cope with the apparent evil. I shall further enlarge upon the facts of the revolutionary design in this country in a way that must convince you that the fears of the Congress and of the public at that time were well founded. As to the methods adopted by the Department as I have already indicated these will be discussed in answering the specific charges heretofore referred to.

The other widely circulated idea to which I have referred, that the work of the Department of Justice has been aimed against American labor, is not only without the slightest merit or foundation, but directly contrary to the real truth. The fact is the criminal anarchist, the ultra-radical class war advocate, the revo-

lutionary agent and propagandist, are the worst enemies of honest American labor. They have bitterly fought organized labor. They have sought in other countries to destroy it, and here their insidious attempts to undermine its strength have been responsible entirely for some mistaken criticism of American labor. In fighting against the alien anarchist, we are fighting for the American working man. We ought to have the cooperation of American labor in unstinted degree in this work in order to free it from even the suspicion of sympathy with these enemies of our form of government. The American wage worker has many just complaints against conditions but he is not complaining of his government or the institutions which he has so constantly and loyally supported in the past. Improvement of conditions at which he aims will come with far greater rapidity if he and the Government which he supports join hands to oust the real disturbers of the situation -- the alien anarchists and the citizen revolutionists who hold their dreams of an impossible new kind of government above their desires for better conditions for themselves and all other classes of people.

It is not surprising that Mr. Post, when the opportunity has presented itself in an official way to render a service to those who advocate force and violence, should employ it to the limit. He has always been sympathetic with that sort of thing.

In 1907 and 1908 he and his wife were the editors of a so-called "liberal" magazine, "The Public", and in those days when the anarchists of this country were especially active and their deeds fresh in the public indignation, these editors were lending their misguided sympathies towards protection and tolerance for the anarchists, just as Mr. Post in these late months, in touch with other miscalled liberals, has been lending them for pro-Bolshevism, in general admiration of the world revolutionary movement.

In this connection I cannot help but remark how well the distinguished jurist and author, John H. Wigmore, has recently set such people out in his splendid article, "FREEDOM OF SPEECH AND FREEDOM OF THUGGERY", published (March, 1920) by the Illinois Law Review.

"But the sorry feature is that so many 'good people of the village', as Confucius terms them, are led astray to condone with the disciples of violence by favoring this fetish appeal to 'freedom of speech'. These good people show more touchiness in this tender doctrine than they do to all the claims of all other fundamentals put together. They exalt it above the institutions which constituted their country: and many of them saw it so flaming large that they were ready to let it endanger their country's very existence. They matched the fanatical obsession of John Knox, who once exclaimed, 'One mass is more fearful to me than if ten thousand armed enemies were landed in any part of the realm!' In their view, one interference of the authorities with freedom to preach resistance to the war was more fearful than news of a German invasion of our national capital. And one interference in America with the preaching of genuine

Bolshevik police assassination would be more shocking than the news of Lenin and Trotzky enthroned in London and Paris."

I do not need to inform you that there has probably never been in this country a woman who accomplished as much hurt to American morals and citizenship, particularly of the young, as Emma Goldman, so long a consort of the pervert, Alexander Berkman, with whom she was lately deported. Yet in 1908, when her misdoings and bad teachings were perhaps the most notorious and most condemned in the public mind, Mr. Post was exerting himself to print words in her favor and in his magazine was quoting with as much force as if they had been his own, Mr. Hall's touching and kindly remarks on her written for "The Public".

"With many of her views I do not agree, but I have known Miss Goldman for about ten years, and I know no one who is kinder, more unselfish or broader minded, and withal she has an indomitable courage both in word and deed. Her home and her slender earnings are always at the disposal of the poor, the oppressed and the unpopular."

There have been few more dangerous anarchists in America than Ludovico Caminita, editor (until he was arrested last February) of the notorious Italian anarchist paper, "La Jacquerie", or, as some translate it: "The Massacre". He was one of the most bitter and vulgar-tongued of contemporary writers against organized society, a disciple of Maletesta, in Italy, and a revolutionist of international ill repute. Camanita was an intimate friend of Emma Goldman and a member with her of that infamous group of "Individualist-terrorists" which intensified the violence of the silk workers' strike at Paterson, and was inflaming fanatics to crime even of official assassination. Mr. Post's magazine had no harsh words to say of Caminita, but on the contrary it was vigilant to pick up and repeat his statement upon the occasion of the suppression of his anarchist paper, and I have it from "The Public."

He denounced the action of the President (Roosevelt), the postal authorities and the Paterson municipal authorities. He declared that in barring the paper from the mails and that in preventing the meeting, the federal and city authorities had been more anarchistic than the anarchists themselves.

I quote again, by way of illustration, from the editorial columns of "The Public":

"Could industrial conditions possibly be worse if the professed anarchists had their way and all coercive government were abolished? Think of it!"

"The law is the protection of society, say the jurists and statesmen. Protection against whom? Against those who have nothing. It is a protection to the rich against the poor, a protection of a few against the many. The rich need

the law and use it without having to feel its weight; the poor support the law, but cannot use it. The poor are beneath the law, while the rich are above it. Those who are above the law do not feel its burden. To them it can be no burden. They are free. Their will is not restrained by the law, nor are their acts circumscribed by it. They are beyond it and above it and have no concern with it. They are exempt from the law, they are anarchists."

And I will add, finally, an editorial comment from the pen of Mr. Post, February 25, 1905, upon the assassination of the Russian Grand Duke Sergius:

"He that loves liberty and hates oppression, whosoever or whatsoever he may be, will approve or condemn the assassination of the Russian Grand Duke Sergius (if he would be logical) according to his principles regarding forcible resistance. The Tolstoyan must condemn it. To him assassination is a form of force, as wicked and futile when resorted to by the oppressed as when inflicted upon them. But how can believers in force condemn this assassination without thereby condemning liberty and approving oppression? If the assassinations which such men as Sergius caused for the purpose of suppressing the commonest liberties may be approved or passed lightly over, how can his own assassination be condemned? If the civil war against oppression, in which armies meet in combat and thousands must die by violence, may arouse enthusiasm, why should the kind of civil war which selects assassins themselves for assassination excite terror? For this is a civil war, and if any homicide can be just at all, if it can be useful at all, then must such homicide be useful and just. The non-resistant may with propriety denounce it; but men of blood and iron cannot denounce it without approving the royal crimes which have provoked it."

It was to men and women in the habit of thinking in this vein that the Bolshevik propagandists, from the beginning of their efforts even before 1917, and continually since, have addressed the set-pieces of their specious literature and inveigling talk in the hope of winning if not active converts to their cause, then, at least, proselytes of passive tolerance and encouragement of it. By their lies, they have indeed won many such victims and have been happy to see them planted in places of gratifying usefulness. From this point of view Mr. Post became, although I do him credit to say unconsciously, a factor in the revolutionary plan and he has demonstrated that status beyond shadow of chance for contradiction.

He has claimed that his cancellation of deportation warrants have been made only in cases where the facts warranted such action.

In the light of that claim I would like to call the committee's attention to characteristic specific instances. I will mention first the case of Paul E. Burton. Burton was arrested in the city of Detroit. He was a Russian alien and entered this country in 1909. He registered for the selective service, but failed to appear for either the physical examination or the induction call, and was reported by his district board a deserter. Among various of his known utterances are the following:

"I am glad to hear of the assassination of any one elected by the capitalist."

"I would fight against this country if I was here I could."

"I would hang Lloyd George and Winston Churchill and all the rest of the rulers of the country as fast as I could get them."

Burton was ejected by the police from a Detroit hall where an anti-Bolshevik meeting was in progress, for endeavoring to instigate rioting. During the same evening he again encountered the police while participating in a demonstration in front of the Detroit Capital House of Correction. The warrant in Burton's case was canceled by the Assistant Secretary of Labor on April 6th, 1920, over the recommendation of the Immigration Inspector and the Commissioner General.

Ernest Knoepfel, of St. Paul, a Swiss, admitted membership in the German branch of the Communist party. He admitted that he was a delegate to its state convention and was elected a member of its state committee. While so serving, he voted in favor of a resolution to change the name of the Socialist party of Minnesota to the Communist party. Notwithstanding this man's certain membership and affiliation with, and active participation in the forbidden party, Mr. Post canceled his warrant and discharged him against the recommendation of the Immigration Inspector and the Commissioner General.

Pietro Baldeserotto, of Paterson, N. J., arrived in the United States in 1914. He was arrested September 28, 1918, and admitted in the Immigration hearing that he was an anarchist. For some reason or other another warrant was issued by the Labor Department January 22, 1919, and Baldeserotto again admitted that he was an anarchist. He was ordered to be deported on June 25, 1919. In his testimony upon which this deportation was ordered, the following statement appears:

Q. "Do you believe in the overthrow by force or violence of the government?"

A. "No. I am an anarchist, because I am not in favor of force or violence."

Q. "What do you mean by the term 'anarchist'? Explain your beliefs."

A. "I believe as other philosophers talk anarchy, that everybody should be equal, that there should be equality among all men."

This is the same explanation of anarchy as given by Alexander Berkman, Emma Goldman and Enrique Magon, yet all of these are terrorists at heart and would not hesitate to resort to force and violence.

Upon this testimony deportation was ordered, as stated; it being found that he was an alien anarchist, and that he disbelieved in all organized government and that he was an opponent of all organized government. On August 14, 1919, the following telegram was sent by the Commissioner General to Ellis Island:

"Upon reconsideration Pietro Baldesorotto case outstanding warrants arrests and deportation canceled by direction of Assistant Secretary. Bond also cancelled."

Baldesorotto was then released and again, on February 14, 1920, he was taken into custody in Paterson, N. J., with other members of the L'Era Nuova group, a body founded by Malatesta, the Italian anarchist now leading this party in that country. To this group belonged Bresci, the assassin of King Humbert. The Assistant Secretary has again canceled the warrant of Baldesorotto and he is today free and at large in the city of Paterson, a dangerous public enemy.

Serafino Grandi, of Paterson, also a well known member of the L'Era Nova group, formerly convicted in Italy for his revolutionary activities in that country, was arrested and held for deportation. Against the recommendations of the Inspector and the Commissioner General the Assistant Secretary canceled his warrant.

The case of the anarchist, Franz Widmer, is equally illuminating. Widmer was the author of an article printed in the anarchist paper, entitled "The Execution of Hyena", which dealt with the killing with a dynamite bomb of Franz Steunberg, ex-Governor of Idaho, at his home in Caldwell, Idaho, in 1906. I quote from him:

"On our account we will add a little history which by itself and better than anything else will justify the energetic act of the unknown rebel, who consummated the vengeance of the people on that Hyena."

And again:

"The last reports had that the executed Hyena survived only 25 minutes the attack with which the people's vengeance had so rightfully hit him, and those 25 minutes were too many."

The warrant for the deportation of Widmer was canceled by Mr. Post on April 13, 1920.

Mr. Post has canceled the warrant of Alberto Guabello, an admitted anarchist, a member of the I. W. W., of whom also French records disclose that he was an associate of militant anarchists in that country, in Switzerland and in Italy. He had served time at Tourain, and was twice expelled from France for anarchistic activities. Nevertheless, Mr. Post canceled his warrant.

Tom Miliouseske, of Milwaukee, Wisconsin, a Russian, was arrested on January 2, 1920. He admitted he was a member of the Communist party. It was shown that he was a treasurer for it. Notwithstanding his warrant was canceled in April, 1920. After that he was taken into custody by the police authorities of Milwaukee for circulating a pamphlet, "Hail to the Soviets", it being the May Day proclamation by the central executive committee of the Communist party of America, and which revolutionary sentiments were boldly expressed.

The warrant of Mike Kristoff, of Buffalo, N. Y., who admitted membership in the Communist party, was canceled. Kristoff had sneaked into the country without the usual immigration inspection.

Frank Jaworski, of Hartford, Conn., was the Secretary and Organizer of the Williamantic branch of the Communist party of America. His deportation was recommended by the Immigration Inspector and by the Commissioner General, but the warrant was canceled by Post.

Andrecz Kramec, of Buffalo, N. Y., denied membership in the Communist party, but his application for membership therein was introduced in evidence and shown to have been signed as of November 23, 1919. The alien was requested to write his signature at the hearing, in order that it might be compared with the signature of the application card. This he refused to do. His name was on the membership books and he was credited with dues paid. However, the Assistant Secretary canceled his warrant.

I might illustrate such instances of flagrant miscarriages of justice at considerable length. In hundreds of cases, similar to those I have cited, warrants have been canceled, despite clear evidence of membership in the Communist party, which the Secretary had decided to be an organization of the kind covered by the statute.

I have said that Mr. Post, by his self-willed and autocratic substitution of mistaken personal viewpoint for the obligations of public law, has deprived the people of their day in court.

Upon the nature of this law I can perhaps do no better than to quote rather fully here from an article in "The Nation" on "The Communist Deportations", by Francis Fisher Kane, formerly United States Attorney for the Eastern District of Pennsylvania, and whose

correctness of statement in the present instance is not likely to be contradicted:

"The act of October 16th, 1918, under which the government has proceeded is a different matter. It is a deportation statute. It covers those who advocate the overthrow of this government by force or violence, but it applies only to the aliens and makes them liable to deportation. It makes them liable if they even believe in the forbidden thing -- the words are: "Believe in or advocate the overthrow by force or violence of the government of the United States." And the act also makes membership in, or affiliation with, any organization that entertains a belief in, teaches, or advocates this thing enough to send a man back 'to the country whence he came'. The procedure under the law is through a departmental proceeding before an Inspector of the Bureau of Immigration, with the decision resting in the Secretary's hands, and in this proceeding the alien has practically only one, or possibly two, of the Constitutional rights which he, like the citizen, would have, if the government chose to proceed against him in the courts for a violation of the criminal code. He does not have the rights mentioned in the Sixth Amendment to the Constitution. He does not have the rights, 'to a speedy and public trial by an impartial jury', the rights 'to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for the obtaining witnesses in his favor; and to have the assistance of counsel in his favor.' He may be compelled, to be a witness against himself and he may be tried with an utter disregard of the rules of evidence. The courts have said that it is entirely for Congress and the Department of Labor to say whether these rights shall be accorded aliens in the Deportation cases."

Nevertheless, these proceedings have in them of necessity the nature of a trial, to a degree, and you will appreciate this immediately when I state to you that the warrants directed by the Secretary of Labor against the aliens declared by affidavits of proper Federal agents to be, from their forbidden revolutionary party affiliation, unlawfully resident in the United States, the commandment is that the accused, if such can be said of a party in an administrative proceeding, shall show cause why he should not be deported. That is to say, the burden of proof in the premises is not upon the people of the United States, but upon the alien.

For that reason, it was the duty of the Department of Justice, in its assistance of the Bureau of Immigration, to provide for the initial record no more than a *prima facie* case.

Acting upon the strength of these, in a very great number of instances the Immigration Inspectors, having given the alien his

opportunity of defense, and he having in their view failed to establish his immunity, forwarded their recommendations for deportation to the Secretary of Labor, as the law requires.

If the Secretary of Labor then deemed the alien notwithstanding entitled to release, from insufficiency of the record, a thing that except upon the grounds of the alien's successful defense he could not rightfully do in the face of the flat affidavit, it was his duty to notify the Bureau of Immigration at least and the Department of Justice by courtesy, that unless the alien's defense should be overcome by the presentation of additional evidence, a discharge must follow.

Mr. Post, acting upon his own judgment, and without consulting the Solicitor of his own Department, without prior notice to the Bureau of Immigration or to the Department of Justice, has released these accused aliens and canceled their warrants by the scores and hundreds for no other reason than that he was not in sympathy with the proceedings and proposed to annihilate them.

Mr. Post evidently has taken the position that deportation warrants should not be upheld except in cases wherein the alien member of the revolutionary party concerned should be caught red-handed with the gun of warfare or knife of assassination in his hands. He has deemed that mere membership in a forbidden party is not legitimate cause for deportation. And to make this view effective, to make it the basis of his rulings and decision, he was compelled in effect to cancel the stated terms and plain meaning of the Immigration Act of October 16, 1918. He did this without the advice of the Solicitor of his own Department. He did it without the least courtesy of prior notice or consultation with the Department of Justice.

Gentlemen of the Committee, I wish to tell you something about what I call the revolutionary background--the situation of tense and conspiring unrest which has made infinitely more difficult the already hard problem of restoring comfort, tranquility, and tolerable living conditions for the people after the strain and hardship and destruction of an unparalleled war; a war that consumed human lives by the millions and sunk the stored up savings of the nations' labor and wealth to an unimaginable degree.

It is only in contemplation of this background, in a lively realization of what it is and what it means as a test and menace to civilization that we can appreciate or comprehend the international revolutionary movement; get a fair notion of what its manifestations here have carried of evil augury, and make a level-headed estimate of the campaign our government has been called upon to wage against it.

To present this matter in an adequate picture is impossible for me in the limited time I can be appropriately allowed here. But if this Committee will read the exhibits in this connection which I am able, fortunately, to bring from the surveys of the Bureau of Investigation, and leave with you for this purpose, I believe that you will be deeply interested and come naturally into the conviction of seriousness and urgency which we in the Department of Justice have come to feel.

Authoritative information is infinitely more impressive than the fabrications of the propagandists or the necessarily imperfect reports of the press.

Let me speak of some of the striking revelations in this picture.

Most disconcerting of all, I think, is the evident tremendousness, sullenness, determination and power of the class war movement toward enforcement of the aims and theories of social reconstruction on a minority class basis - on a dictatorship of the Workers - (as the poorer crowd of industrial wage earners peculiarly call themselves,) in their exclusive interests through gaining control of the State - whether by fair means, or foul - and the expropriation of capitalistic property - which they mean to take away from its present ownership without compensation and to manage hereafter, after the Marxian precept, as a common enterprise in the workers' behalf.

This wave of ultra-radical Socialism, Communism, or Syndicalism, as it is variously called according to the phases of local condition or shades of opinion with regard to policy, was heavily under way before the war temporarily broke it up.

It began to rise with accelerated vigor immediately following the tragic revolution in Russia of March, 1917. That revolution was but a preliminary one; it was a purposeless and flameless brute convulsion of the Russian people, mad in desperation from years of betrayal, misgovernment and corruption, brought to a climax by national bankruptcy of every resource, moral or material. The story of it is infinitely pitiful.

Revolution is one thing and its philosophy another. The Reds contradict themselves when they attribute their Russian coup to the philosophy of Karl Marx. Marx would yield nothing to the reality of ideas, and believed in no potency but that of sticks and stones. The Bolsheviks are Marxians, to be sure, but they and their millions of followers in Russia were first of all a poor, hungry, ignorant, abused, demoralized and propertyless people. They wanted peace. They wanted bread, and they wanted land. With those three things they would rest and be satisfied, requiring nothing of tomorrow until tomorrow's sun. For peace they would sacrifice honor and provinces. For bread they would murder and destroy government. For land they would steal even the plate from the churches. They did all three. "To transform every coward who left the front into a privileged assassin," says Kerensky, "the State has had first to be thoroughly destroyed." The Russian rabble did destroy it, and they would have done so under any other pretense or excuse that ready roguery might suggest.

But having destroyed the state, as they did progressively in the months that intervened between the advent of Kerensky and his submergence with the Korniloff rebellion, they did not know what to build in its place. And there was no Russian inspiration capable of managing them in such an enterprise.

For years, even before the war, the pillars of Russian society were being loosened and undermined. They had never been firmly set.

The foundation for stability is character. For character there must be independence. But dependence, through centuries, had been the Russian rule. Without an exception her modern institutions were built upon Western credit and had never natural embedding in the native soil. The dynasty was borrowed. The state, what there was new of it, with all its machinery for the handling of finance, industry and social welfare, was made of pieces of foreign importation or grafted upon the decay of feudal remnants. In spite of vast resources and the possession of an almost unlimited labor supply, the capital for industrialization was not of Russian supply. Nor was its engineering or its mechanics. All leaned for repair and maintenance constantly upon the Western support. The war cut the prop. By March,

In 1917, had there existed a Russian independence capable of amputating Czarism, with all its corruptions and inefficiencies, and conserving what was left of industrial equipment, no debacle need have occurred. There might have been a saving national character and competence. But beneath the Romanoff failure stood nothing strong that was inherently Russian. Bolshevism, a German fabrication, the only virile political organization - the only body of thought that could assume control of affairs, became the stake upon which helpless Russia was impaled.

Two principal circumstances conspired to develop this tragedy; the personal dynamics of the Communist leadership, and the paralysis of opposition. They are both tremendously significant. The situation enabled a small group of determined men, knowing exactly what they wanted and driving ruthlessly for it without hesitation or scruple, to wield the whole engine of power; to crush every obstacle of resistance, and to win the most singular victory of minority dictatorship the world has ever witnessed.

Louis C. Fraina, one of the founders of the Communist Party in America, in his comment upon Lenin and Trotsky's "The Proletarian Revolution in Russia." says:

"The Russian Revolution in its determining proletarian phase is an incomparably mightier event than any previous revolution; larger in scope and deeper in ultimate meaning than the French Revolution. Napoleon visualized Russia as a menace that might make all Europe Cossack; today Capitalism may make Europe, and the world, all Socialist. Clearly the antagonisms, national and international, generated by the proletarian revolution in Russia, are necessarily more intense than the antagonisms of the French Revolution. THAT was a bourgeois revolution, a revolution that annihilated one form of class rule and tyranny in order to establish that of the capitalist class; it was not a fundamental social revolution, but overwhelmingly political in scope. THIS is a proletarian revolution, the START of the International Social Revolution against Capitalism, the purpose of which is not political reconstruction, but fundamental, intensive, economic and social reconstruction of the basis of the world. The French Revolution annihilated one form of property rights, the feudal, in order to introduce another form of property rights, the bourgeois; the proletarian revolution in Russia proposes the annihilation of bourgeois property rights, the annihilation of private property and its system of class oppression - the end of the exploitation of man by man and class by class. This is THE Revolution, the initial action in the Social Revolution of the International proletariat against Capitalism and for Socialism."

At any rate, the Revolution has centered in Russia. It has taken its cue from the Bolshevik Soviet regime of expropriation, dictatorship of the proletariat, communization of industry and disruption, utterly, of the old order of things.

With the push of Russian Communists, many millions strong, behind this emotion; by propaganda better financed and more determinedly led, more fanatacized than ever before, its spread and manifestation like the enkindling that surrounds a conflagration make it the most striking event of the times.

All over the world, and in every major tongue, bands of workers, men and women, joined already in conscious and conspiring fraternization, are singing

THE NEW INTERNATIONAL

Stand up! Ye wretched ones who labor,
Stand up! Ye galley-slaves of want,
Man's reason thunders from its crater,
'Tis the eruption none can daunt.
Of the past let us cleanse the tables,
Mass enslaved, fling back the call,
Old earth is changing, her foundations,
We have been nothing, now be all!

There are no saviors e'er will help us,
Nor God, nor Caesar, nor Tribune,
'Tis ours, O workers, must the blows be
That shall win the common boon.
From the thief to wring his stolen booty,
From the pris'n to free the soul,
'Tis we ourselves must ply the bellows,
'Tis we must beat the anvil's roll.

"The Socialist philosophy (taking that phrase in the general sense)," writes an anonymous author in "The International Weekly", "is probably adhered to by more people in the world than any other single belief. It reaches from

Seattle to New York, to England, to Europe and Russia, to Japan and the Orient, to Australia and back again to South America. It is conceived by millions of people to be the most vital thing in their lives." Under Bolshevik agencies it is being preached also, not only in the huts of Afghanistan, and to the mid-Asian tribes thence westward to Suez, but to the fellah in Egypt and to negroes of Africa wherever they touch the white man's labor question.

I cannot tell you, gentlemen, how, after the Bolshevik coup of 1917, and even notwithstanding the terrible object lessons of want, terror, and misery in Russia that followed it; how after the seizing of Russian power by a comparative handful of Communists -- a German importation in plan and direction -- and the swift success of the Bolsheviks in winning through bribery of the peasants and demagoguery to the workers and ruthless crushing out of bourgeois resistance -- in grasping and holding the rule of things -- the essential Bolshevik social program caught fresh and absorbing hold upon the radically disposed elements in the remainder of Europe. The Bolshevik notion spread, literally, like wildfire. Of course it had its most immediate response, as we know, first in Germany and later in Hungary. The means of this spread I will presently dwell upon, but the celerity of it was astonishing. The Spartacus group in Germany, driven on by Liebknecht and Rosa Luxemburg, grew at one jump in 1918, from the status of a mere social nuisance to a stubbornly striving social class war party which has left Germany in an uproar of anxiety ever since and came perilously near breaking the German federation but a very few weeks ago.

In Hungary, helpless, in industrial depression of deepest rigor, a powerful Bolshevik insurrection occurred under Bela Kun, as you recall, crowned with a ghastly terrorism and temporary failure.

Bulgaria, Turkey, Poland, Slovakia, Austria and Serbia have all been distressingly inoculated with the Bolshevik virus -- held now under restraint but threatening to break out disastrously at any moment in the last dozen months.

It may be news to you that in Denmark the ultra-radical socialists are so strong, the mass organization of the workers is so complete and so close knit that the King and his government have for some time been forced to leap and cater to their whims as puppets at the yank of their strings.

Holland is not so much better off. It is taking a great effort of the Dutch government and police to hold down the Reds.

You know what has but just happened in France. How the Bolshevik element of French labor, grown to strength sufficient to force the hands of the great French Confederation General of Labor Unions and to drive it into such vicious general strikes that the Government has felt compelled to revoke the Federation's charter and has only by the loyalty of the peasants and the military narrowly averted out and out revolution. In England, affairs are better but distinctly unpleasant.

In the more industrialized provinces of Spain, and in Portugal and Italy, the proletarian revolutionary unrest is no less conspicuous than elsewhere on the Continent.

The evil thing exists in the Caucasus. It is inflaming native racial hatred and religious bigotry all across Western Asia, from the Caspian to Suez. It is even in China, Korea, Japan and India.

It is being kindled and frequently flamed in Mexico, the West Indies and South America.

You know how it has taken hold of great numbers of laboring men in Canada. The affair at Winnipeg is still fresh in your minds. I am going to tell you presently what there has been of it in the United States. But I want to tell you now that in spite of the happy showers of the beautiful Springtime, the world is on fire with this infamous Red stuff and it is going to take the united cooperated effort of International Democracy under its most sane and devoted leadership to stamp this incipient conflagration out! Unless we secure the quick and firm establishment of international political peace and financial, trade, and commercial cooperation we may not be able to stamp it out.

Boris Brasol, in the introduction to a very recent and able work on Social Difficulty, does not hesitate to say:

"Modern civilization as a whole is imminently threatened with social cataclysm of unprecedented violence such as has already inflicted utter ruin and unspeakable suffering upon several European countries, particularly Russia. This danger cannot be magnified and should not be minimized."

I call your attention next to the fact that the methods of spreading the social revolutionary conspiracy - and it is an international one by profession and organization - engineered now by the Communist International, the celebrated Third International, established at Moscow, of delegations from all Europe and the United States on March 6, 1919, have been everywhere the same, - in Russia, in Europe, in Asia, Africa and America. An inexhaustible press backed by giant funds of stolen loot, has been pouring out tons upon tons of such inflammatory literature as we have, I might almost say by the bale, in the collections of our division of radical publications in the Department of Justice, and specimens of which you have frequently seen. It is savage material, but much of it infernally well written and appealing to the thoughtless, dissatisfied crowd. This literature has been printed in almost every known language by the International Revolutionary press Agencies. I have a complete memorandum of it in its American

manifestations which I will file with the Committee.

By spreading this stuff in Russia and by their continual propagandizing and disintegrating attacks upon socially loyal groups, by their steadily and ingeniously "boring from within," they gained their necessary adhesion and by the same tactics are carrying out their program everywhere with different degrees of success in different countries.

I wish that those who have exclaimed so much about fancied invasions of "free speech" would realize all this, - that those who have been opposed to any defensive measures by government against the revolutionary conspiracy could give their same thoughts a chance for better assertion in the light of what we know has been happening in the world.

The continual spread of the seeds of evil thought, the continual inoculation of poison virus of social sedition, poisonous to every fibre and root, to every bone and sinew, to the very heart and soul of all that by our standards is integrity in citizenship or personal character cannot help but foster frightfully the revolutionary disease. Is there no such government policy as one that can stand effectively for social sanitation?

I believe that it will be one of the principal privileges of our political parties in the next campaign to frame and assert such a policy, a duty as difficult, perhaps as it is imperative. It must aim at reforms more than at repressive measures, but it must recognize the government's inherent right of self-protection.

In "Combat Order No. 4", a Bolshevik document issued in August, 1919, as a "message of the Communists" to all "Federations affiliated with the Third International", occurs the following paragraph:

"The European revolution will be possible only when the criminal incapacity of the present bourgeois regime will bring about great suffering and misery. A state of revolution will then naturally result from the misery of the people. It is the misery - the intolerableness of conditions that provides the cause of revolution. Philosophers seldom even fix the occasion, but they may guide and engineer the revolt."

I have given you that quotation in connection with the everlasting assertion of the Red socialist: "Capitalism is bankrupt."

I want it very plainly understood that I do not have the slightest fear that any revolutionary movement can succeed in this country, even to the extent of seriously menacing our institutions. The sober judgment of the men and women of America will reject this alien philosophy and kill this alien purpose, whenever they are made to realize that plans based on such philosophy and purpose have reached serious proportions. But I am equally clear that the alien agitators who have been opening everywound they can find in our body politic, do not realize their plans will be finally rejected here and will go on in the hope of final success. Their ignorance of our institutions and the hearty American confidence in them makes it impossible for them to realize the hopelessness of a revolutionary cause here. Out of this very ignorance will come further agitation, occasional outbreaks, and sometimes systematic industrial disturbances of large proportions, all of which will threaten the peace and good order of the country, and serve to obstruct progress and delay settlement of the many serious problems which now admittedly confront our people, -problems which are social and political as well as moral and economic, and which demand sympathetic consideration and prompt solution.

I am not an alarmist or even a pessimist. But I have my eyes open and I know what a chance of national bankruptcy and industrial paralysis the world would certainly face to-day were the evidences of precaution against it only a little less hopeful and numerous.

But, I may add, it has been the conscious and deliberate plan of the revolutionary conspiracy to labor for the creation of misery and bankruptcy - the field ground for revolution.

That is why we have so much of the sabotizing of industry, the deftly engineered slowing down of production, the constant stalling of machinery, especially transportation industry and the crippling effect of general strikes, otherwise "political" strikes.

It is the reason, in part, at least, for the continual assault of the Reds, of their constant agitation against the morale of workmen. It is even true that the March and April marine workers' strike at Rotterdam, when for weeks not a ship could discharge or take on a cargo, was backed by the Bolsheviks for the express purpose of bringing on deprivation and hardship in parts of Germany and Austria, dependent upon the Dutch shipping for the importation of food and raw material. Of that most deplorable and formidable strike, for some strange reason, the newspapers carried scarcely a word.

You also have read the authoritative signs of the time. You know what a period of difficulty we face here in our own hitherto seemingly prosperous country. You know what prodigious and painstaking efforts the statesmen of Europe are making to adjust the indemnity of Germany and achieve its financing in such a way as to stave off and prevent this very real bugbear of international bankruptcy. Need I dwell upon this for the purpose in hand? Need I say that the menace of revolution gains enormously in volume of reality and danger the moment we indulge the emotion of natural fear, rather than sturdy optimism in this grim business? What would not the administration of law and order in this country have been guilty of in the way of neglect and omission had if failed to carry in its mind a policy of quiet but most earnest regard for eventualities of this character? Would it not have been a serious sin of omission if we had failed to think about the difference between good times and bad, and to dread the consequences of leaving the infection of social and industrial revolutionary disease fester and breed in the tissues of our organism against the day of the hoped-for opportunity to attack the body politic in a virulence redoubled a hundred fold amid the conditions of bread lines and mass unemployment? Can we afford to disregard that danger now?

I believe we can answer that question positively and beyond contradiction as we go over, briefly as we may, the narrative of the revolutionary action in America, generally at first and more specifically as we discuss also what the precautionary and protective campaign of the Government has been, or was until it collided with the stubborn incapacity of the Assistant Secretary

of Labor Louis F. Post.

Revolutionary action for the United States, so far as is considered in this review, begins with the organization of the Industrial Workers of the World, yet even so, the development of this fraternity of malcontent workmen had no patently deep significance in our general life until its very recent connection and affiliation with the greater Social Revolution in Europe, when it became a part of the international conspiracy.

While some very interesting and cruel pages in our industrial history have had to be written on account of the place the I.W.W. had previously taken in the story of our local strikes and disturbances, in the tragedy at Ludlow and the occurrences at Lawrence and Paterson, these represented no more than prophetic incidents. They were nothing that needed to touch our emotions of real alarm and suggested inflammations and wrongs in parts of our industrial system rather than fundamental difficulties menacing the entire fabric.

The I.W.W. was organized at Chicago in 1905. By the following year it professed to have 60,000 members. It was composed of a mixture of bumptious, fanatic elements, partly ultra-radical Socialist, partly Anarchist, but mostly Syndicalist. That is to say, the burden of the program of the I.W.W. from the beginning was to work for the ownership of industry by the workers, whom they claimed produce it and to work for this through the means of labor unions which should strike, and sabotage, and revolt, with violence, if necessary, not merely for the increase of wages and the betterment of working conditions, but for the physical seizure of industry itself, for the ownership of the means of industry. The party, if we may call it that, or the fraternity, for that is what it more closely resembles, was international in its sympathies and in its statement of the industrial problem, but not in its plan of action. It put out its branches in Canada and Mexico, and it joined hands in communication with radical labor, and Revolutionary parties abroad and at home, but the thing it was immediately trying to do was infect the labor body of America with the Syndicalist idea and press toward it with all the means and opportunities that might be at hand.

In ordinary times it is not easy to find a body of American Labor susceptible to Revolutionary teaching. Revolution means risk and sacrifice, the chance of imprisonment, prosecution, outlawry - and in America, certain defeat. But there did exist a body which could be reached. London tells very ably of this in his book, "The Class Struggle". It was a body of unkempt, homeless, ragged, dispirited and underpaid floating labor - the "hoboes" of the American continent. There were

thousands, yes, hundreds of thousands of them, who roamed the country from east to west, north to south, and back again according to the seasons and the prospects of temporary employment. They drifted to construction jobs. They drifted into new industrial plants where workers were wanted in a hurry and the combing out process for efficiency could not yet be begun. They made up the armies of the scabs and strike breakers. They did the hard and dirty work upon ships and wharves. They harvested the hops and the grapes and the corn and the wheat, and were shipped into the freshly opened mines. They were in the forests. They were in Minnesota and the cypress swamps of the southwest. They were in California, in the vineyards and orange groves; in the orchards of Oregon, the melon ranches of Colorado and Arizona. They were in the stockyards and in the steel mills. They were on the truck farms of Florida and Texas. And they were in jail - frequently. They were everywhere - gone again, a wandering migratory host. And nobody loved them. Some of them climbed up out of their troubles and despairings - and as many more tumbled down in. These were the people who became the I.W.W. foundation.

But, as is usual in such concerns, there were able men at the head. St. John, Ettor, Mooney, Hill, Varney, Haywood, Whitehead, and fellows of their stamp have been tremendous engine of effectiveness in their apostleship of "class warfare". And the I.W.W. has had its press and its clever writers, its pamphlets and its songsters, pushing its propaganda, moving its enthusiasm and spreading its doctrines all these years. It has indefatigably organized, too, and shoved its groups into all manner of leverages of advantage "for the cause". An I.W.W. speaker, addressing a recent labor meeting in England, claimed an American membership then of 300,000 from Centralia to West Street. That may not be an exaggeration.

Prior to 1914, there were in the country also numerous ultra-radical Socialists, Marxians; and a great many small Socialist, Anarchist and Communist societies formed among the aliens, for the most part, making no very great noise and doing no very great damage. They should have been more diligently watched.

During the war these Revolutionary bodies, prodded by the Germans, and often subsidized by them, turned their attention chiefly to obstructionist pacifism, sincere enough, and to the fomenting of unnecessary strikes. A great many of the Reds were prosecuted and imprisoned. And justly so, because they deliberately broke the laws and deliberately tried to weaken the power of the United States in what was literally a struggle for the salvation of democracy; inviting upon themselves a "martyrdom" which Americanism can never justify. The loyalty of American labor and an overwhelming wave of public condemnation, coupled with these prosecutions, crushed this vicious Revolutionary effort to earth.

Then came the news of the Revolution in Russia, the formation of the Third International, and the advent of more sinister and dangerous Social Revolutionary activity in the United States.

The I.W.W. had been Bolshevik in its aspirations from the start. Harold Varney thus writes of it in the "Revolutionary Age", April 19, 1919.

"Possibly the I.W.W. of all the world's movements was shaken least by Bolshevism. The I.W.W. welcomed the Bolshevik triumph with the joy of the unexpected. The final link in the I.W.W. theory had been forged at last. But there was enough in the new happening to compel a revision of belief. The I.W.W. had always been anti-parliamentary; the I.W.W. had always sought industrialism. The I.W.W. had preached Bolshevism while the Bolsheviks themselves were still groping. And the Wobbly felt like one who had long since swum to an island of idealistic truth, as he watches the Russian swimmers coming into port. The naive exuberance with which the new Left Wing American Socialists began to propagate industrialism was naturally amusing to those who had fought the industrialistic battle for nearly a generation. Bolsheviks, the new Left Wingers styled themselves, but well the I.W.W. knew that Bolshevism was but the Russian name for I.W.W., and that, after a few flights of Left Wingism, the Socialists would learn that every road of Industrial revolution leads inevitably to the Industrial Workers of the World."

In his report to the Executive Committee of the Third International at Moscow, Louis C. Fraina, International Secretary of the Communist Party of America said:

"The Socialist Party was organized in 1901, of a merger of two elements; (1) Seceders from the Socialist Labor Party, like Morris Hillquit, split away in 1899 largely because of the S.L.P.'S uncompromising endeavors to revolutionize the trades unions; (2) The Social Democratic Party of Wisconsin, a purely middle-class liberal party tinged with Socialism, of which Victor L. Berger was representative." And again:

"During 1918 the Socialist Party was in ferment. The membership was more and more coming to think in Revolutionary terms. Then came the armistice and the German Revolution. The response was immediate. On November 7th, 1918, a Communist Propaganda League was organized in Chicago. On November 9, Local Boston, Socialist Party, started to issue an agitational paper, "The Revolutionary Age". This paper immediately issued a call to the party for the adoption of revolutionary Communist tactics, emphasizing that the emergence of the Proletariat into the epoch of the World Revolution made absolutely imperative the reconstruction of Socialism. In New York City, in February, 1919, there was organized the Left Wing section of the Socialist

Party. Its Left Wing manifesto and program was adopted by Local after Local of the Socialist Party, the Left Wing acquiring a definite expression. The Left Wing secured the immediate adhesion of the Lettish, Russian, Lithuanian, Polish, Ukrainian, South Slavic, Hungarian and Estonian Federations of the Party, representing about 25,000 Members.

The official organs of the federation did splendid work for the Left Wing. In January, 1919, the National Executive Committee of the Socialist Party decided to send delegates to the Berne Congress of the "Great Betrayal". This action was characteristic of the Social-patriots and Gentrists bent of the party administration. There was an immediate protest from the membership, the Left Wing, using the Berne Congress as again emphasizing the necessity for the Revolutionary reconstruction of Socialism. In March we received a copy of the call issued by the Communist Party of Russia for an International Congress to organize a new International. "The Revolutionary Age" was the first to print the call, yielding it immediate adherence; while the Left Wing Section of New York City transmitted credentials to S.J. Rutgers to represent it at the congress. Local Boston initiated a motion for a referendum to affiliate the party with the Third International; this was thrown out by the national administration of the party on a technicality, but after much delay another local succeeded in securing a referendum. (The vote was overwhelmingly in favor of the Third International). The Left Wing was now, although still without a definite organization, a formidable power in the Socialist Party. Previously all revolts in the party were isolated or consisted purely of theoretical criticism; now there was this theoretical criticism united with a developing organization expression. There was not, as yet, any general conception of the organization of a new party; it was a struggle for power within the Socialist Party."

This struggle, however, was a short duration. By the end of August the radical Revolutionary element had, according to the testimony of its own historians, won commanding control of the rank and file of the Socialist Party, but no control whatever of the party machinery. The latter held firm under the dominance of its old National Executive Committee. The conflict between the Left Wing and the Right became irreconcilable. On September 1st, the American Bolsheviks broke away from the Socialists and formed parties of their own, the Communists and the Communist Labor Party. The first of these comprised practically all of the "foreign" branches of the Socialist Party.

It claimed originally 58,000 members. The Communist Labor Party, which in its principles and plans does not differ materially from the other, represented a faction of the Reds with native American membership. Perhaps there were fifteen thousand of them. The number has since very much increased.

There already existed still another numerous and seditious Revolutionary organization, the Communist - Anarchists of the Federation of Russian Workers of the United States and Canada.

All these three parties, while separate societies and quarreling among themselves as to which should be the formal and designated standardbearers of the Bolsheviks and the International Revolution in the United States, were united in their greater purpose and were working together for the Movement. They all endorsed and stood for the manifesto of the Third International, and they recited together, in their meetings and in the propaganda of their voluminous press which reached and still reaches hundreds of thousands of the workers in our country.

"Spurning the half-heartedness, hypocrisy and corruption of the decadent official Socialist Parties, we, the Communists assembled in the Third International, feel ourselves to be the direct successors of the heroic efforts and martyrdom of a long series of Revolutionary generations from Babœuf to Karl Liebknecht and Rosa Luxemburg. As the First International foresaw the future development and pointed the way; as the Second International gathered together and organized millions of the proletariat, so the Third International is the International of OPEN MASS ACTION OF THE REVOLUTIONARY REALIZATION, THE INTERNATIONAL OF DEEDS. Socialist criticism has sufficiently stigmatized the Bourgeois world order. The task of the International Communist Party is now to OVERTHROW THIS ORDER and to erect in its place the structure of the Socialist world order. We urge the working men and women of all countries to unite under the Communist banner, the emblem under which the first great victories have already been won".

"Proletarians of all lands! In the war against imperialistic barbarity, against monarchy, against the privileged classes, against the bourgeois state and bourgeois property, against all forms and varieties of social and national oppression -- UNITE!"

"Under the standard of the Workingmen's councils, under the banner of the Third International, in the Revolutionary struggle for power and the Dictatorship of the Proletariat, Proletarians of all countries UNITE!"

"The new era has begun! The era of the downfall of Capitalism - its international disintegration. The epoch of the Proletarian Communist Revolution. In some countries, victorious proletarian Revolution; increasing Revolutionary ferment in other lands; uprisings in the colonies; utter incapacity of the ruling classes to control the fate of peoples any longer; That is the picture of present world conditions."

"Humanity, with its entire culture now lying in ruins, faces danger of complete destruction. There is only one power which can save it - the power of the proletariat. The old Capitalistic "order" can exist no longer. This ultimate result of the Capitalist mode of production is chaos - a chaos to be overcome only by the great producing class, the Proletariat. It is the Proletariat which must establish real order, the order of Communism. It must end the domination of capital, make war impossible, wipe out state boundaries, transform the whole world into one cooperative commonwealth, and bring about real human brotherhood and freedom".

"World Capitalism prepares itself for the final battle. Under cover of the League of Nations and a deluge of pacifist phrase-mongering, a desperate effort is being made to pull together the tumbling capitalist system and to bring its forces against the constantly growing Proletarian revolt. This monstrous new conspiracy of the Capitalist class must be met by the Proletariat by seizure of the political power of the State, turning this power against its class enemies, and using it as a lever to set in motion the economic Revolution. The final victory of free mankind".

THE WAY TO VICTORY

"THE REVOLUTIONARY ERA COMPELS THE PROLETARIAT TO MAKE USE OF THE MEANS OF BATTLE WHICH WILL CONCENTRATE ITS ENERGIES NAMELY, MASS ACTION, WITH ITS LOGICAL RESULTANT, DIRECT CONFLICT WITH THE GOVERNMENTAL MACHINERY IN OPEN COMBAT. ALL OTHER METHODS, SUCH AS REVOLUTIONARY USE OF BOURGEOIS PARLIAMENTARISM WILL BE ONLY OF SECONDARY SIGNIFICANCES.

"DOWN WITH THE IMPERIAL CONSPIRACY OF CAPITAL!"

"LONG LIVE THE INTERNATIONAL REPUBLIC OF THE PROLETARIAN COUNCILS!"

In addition to these revolutionary organizations, we have had a great many unaffiliated individuals, social revolutionists, not only an extremely numerous group in the ranks of labor, sympathizing with and encouraging the organized revolutionaries, but among the intellectuals, those educated men and women who, from the advantage or the pinch of their position of life, have been strenuously thinking with none too commendable logic about the incongruities and injustices of the times, and, catching the Revolutionary thought, have turned to it both their feelings and interests. Among them are the "parlor Bolsheviks", and the Philistines of our social period, who, enveloped in cigarette smoke and airs of superiority, have lost the touch of just proportion in their measurements of "the good and the bad in modernism", and lent themselves to writing and talk, and financial contributions - these people seldom take the

risk of doing anything - toward paddling along the Revolutionary flood.

In the latter half of 1919, all these protagonists and helpers of the International Revolutionary scheme, the I.W.W., the Communists, the Communist Labor Party, the Anarchists, the Radical associations of rebellious schools, and unaffiliated Reds, and parlor Bolsheviks, fired by the enthusiasm thrown across seas by flaming Russia and the glowing torch of the Third International, began to work hammer and tongs "to beat anvil blows", the revolutionary poets would say - for an actual Revolutionary uprising in the United States.

In Canada broke out Bolshevik strikes at Winnipeg and elsewhere, as had occurred before in Oregon, where Ole Hanson stamped out the enkindling. These strikes were an ominous foreboding. In the United States, the Revolutionary faction in the ranks of organized labor egged on a series of great strike demonstration. These strikes were all of them aimed ostensibly at nothing more than wage increase or some alterations in the conditions of work, but these complaints were taken advantage of by the international inflamers, who make it a practice to rub every sore. The strike, most interesting and significant from the viewpoint we are discussing, was the coal strike, participated in by nearly a half million miners in the bituminous fields. This strike battered at the very foundations of the safety of American democracy. It threatened not only a universal hardship cruel to our own country and dangerous to the world, but it seemed to indicate defiance of law and the public welfare on the part of American labor. Confronted with this challenge of circumstance the government of the United States acted under the authority of the Federal Statutes and enjoined the strikers. The issue was brought to immediate head. It was settled by decision of the loyal majority in the Labor Unions, "American Labor is obedient to law". No more hopefully reassuring decision than this was ever registered in the history of our republic.

Aroused finally to a realization of the growing danger of graver disturbances, under the pressure of public opinion, Congress began in turn to urge upon the administration the necessity and wisdom of counteraction. For this the Department of Justice had long preparing. In November, in cooperation with and in aid of the Bureau of Immigration and the Department of Labor, it ~~selected~~ the Anarchist parties of the country and forwarded some three hundred and eighty of the worst offenders of the Russian Anarchist group to Ellis Island for deportation. This had the effect of putting an end, for the time at any rate, to several of the more venomous of the Revolutionary publications.

In January there were similar raids, resulting in the detention of nearly three thousand Communists.

Revolutionary tactics have, of course, been employed by others than the organized groups to which I have referred. There have been sporadic cases of open violence in recent times and the indications are plenty that these have been of an organized character, but not necessarily authorized by the chief actors in the revolutionary movement. Last summer bombs, addressed to many State and Federal officials, were deposited in the mails. Some of them reached their destination, but comparatively little injury resulted. On another occasion, the homes of ten officials were simultaneously bombed. These acts of violence were, of course, not directed against the officials as individuals, but constituted the mistaken method by which deluded minds sought to do forcible injury to the government itself. The ultra-radical press and pamphlets, which have been given wide distribution in the country, have become constantly bolder in their threats of immediate forcible action. Well considered attempts have been made to corrupt and debauch labor unions, to foment strikes and prevent their settlement, to incite destruction of property and cessation of industry and to bring about a general political strike. In a very few cases dangerous extremists have secured places of leadership and power in some labor organizations, but their plans have so far been consistently thwarted by the honest and patriotic efforts of the vast body of organized American wage-workers. In one instance, a leader of this type was able to have a State Federation of Labor Convention pass a resolution calling for a statewide strike in all trades to redress a purely political grievance. Of course, the effort was unsuccessful because the exposure of the plan aroused public sentiment, which made its consummation impossible. These ultra-radical agitators are the worst enemies of honest American labor and it is splendid evidence of not only the intelligence but the patriotism of the wage-workers of America that this is generally recognized by them and it seems to me to be amongst the first and most important duties of American citizenship to lend encouragement, aid and support to the strong and patriotic men influential in the ranks of organized labor who are striving earnestly to purge their organizations of every revolutionary element.

Most of the individuals involved in this movement are aliens or foreign born citizens. There are some, however, of unquestioned American extraction. Some of the leaders are idealists with distorted minds, many even insane; many are professional agitators who are plainly self-seekers and a large number are potential or actual criminals whose baseness of character leads them to espouse the unrestrained and gross theories and tactics of these organizations. If there be any doubt of the general character of the active leaders and agitators amongst these avowed revolutionists, a visit to the Department of Justice and an examination of their photographs there collected would dispel it. Out of the sly and crafty eyes of many of them leap cupidity, cruelty, insanity and crime; from their lopsided faces, sloping brows and misshapen features, may be recognized the unmistakable criminal type.

Obviously, it has been impossible, under our form of government and under existing statutes, to deal with this ultra-radical movement as a whole. It has been necessary to deal with individuals, to utilize such laws as are on the statute books, and to ask the Congress for such further legislation as seems to be necessary. The only practical plan for dealing an effective blow at the movement was through the application of the deportation statute, which provides for the deportation of aliens who believe, teach or advocate the overthrow of the Government of the United States, or all forms of law or organized government by force or violence, or the assassination of public officers, or the unlawful destruction of property, or are members or affiliated with organizations having such objects. The procedure under the deportation law is in no sense a criminal proceeding. It is part departmental, part judicial. It provides for a warrant to be issued by the Secretary of Labor, at Washington, only upon presentation of evidence sufficient to create a belief in the probable guilt of the alien under the law. The warrant must contain a full statement of the charges for the information of the alien and an opportunity is given him to furnish bail for a hearing. So far as I know, reasonable bail has never been denied by the Department of Labor in these actions. The alien is entitled to be represented by counsel, where he is confronted with the evidence against him and given full opportunity to produce evidence in his own behalf. A record of the hearings is made and certified to Washington, together with briefs and arguments of counsel, and then final action, either for or against deportation, is taken by the Secretary of Labor. The alien way, of course, at any time have the benfits of a writ of habeas corpus, upon which his case may be reviewed in court.

The ultra-radical press has been vociferous in calling these proceedings inquisitions and denouncing them as star chamber proceedings, and such misrepresentation of the conduct of the Department of Justice and of the Department of Labor in these cases has been indulged in by sympathizers of the alien anarchists. It is one of the curious ironies of the situation that the very people who are loudest in denouncing constitutional forms of government, when arrested under this statute insist most vehemently upon all their constitutional rights. Every safeguard has been thrown about the proceedings to make certain that the lawful rights of no individual are invaded.

Of course, the government cannot be deterred by misrepresentation and slander of its officials, and yet the people ought to be warned against accepting such accusations at any part of their face value. I recall a statement given out by Emma Goldman after her original hearing before the Immigration Inspector at Ellis Island. Two representatives of the Department of Justice were present at that hearing under instructions to take every possible precaution to see that she had a fair trial. At the outset of the hearing, Goldman's counsel submitted as part of the record a

written "protest and objection" offered by her. This was admitted, although it had no bearing upon the facts or law involved. Thereafter, on advice of counsel, Goldman refused to answer any questions and, although given ample opportunity, submitted no evidence in her own behalf. She attempted no defense. Yet her protest and objection, filed before the hearing, contained accusations of alleged unfair inquisitorial methods used at the hearing and, of course, gained wide publicity.

The government's first efforts were directed against individual agitators, amongst whom Emma Goldman and Alexander Berkman were perhaps the most conspicuous. Many other active and dangerous persons were apprehended and held for deportation. It was soon learned, however, that the individual agitators were so migratory in their habits and so cautious in their oral utterances that it was quite difficult, if not impossible, to pick them off one by one. In the meantime, much evidence had been accumulated against groups and organizations and it became apparent that if a particular organization was shown to be unlawful, a proper foundation could then be laid against all aliens who had signed pledges of membership in such organizations. Under this plan, simultaneous arrests of officers and leaders of the El Ariete Society, and afterward of the Union of Russian Workers, were made in many cities, proof of membership and of alien character adduced and the anarchistic purposes of the organizations proven, which finally resulted in the deportation of 247 persons in the Buford --nicknamed by somebody the "Soviet Ark". The gathering of the evidence in these cases was a large and difficult task, involving immense labor on the part of the Bureau of Investigation of the Department of Justice, whose splendid work in this important undertaking I am glad to publicly commend.

In the meantime, the Communist and Communist Labor parties were born. Their organization, membership, tenets and tactics were carefully watched and noted by the Department of Justice, the active spirits amongst them were located and finally, on the 2nd of January, simultaneous arrests were made in thirty or more cities, in which more than three thousand alien members of these parties were taken into custody and delivered to the immigration authorities. Since that time, hearings have been conducted.

I am constrained to believe that these activities on the part of the government have halted the advance of "red radicalism" in the United States and that what once seemed like a serious menace or organized revolution has been successfully met. Peace and order have, in the main, been maintained and the public has learned to recognize the horrible face of Bolshevism under the guise of political parties; labor unions have largely purged themselves of these crafty "borers from within"; it has come to be plainly seen that this is no fight between capital and labor, as the ultra-radical agitators insist, but that it is a fight between organized government and anarchy.

But I would not give the impression that the danger is entirely passed. The vigorous enforcement of the law must be continued and the law must be strengthened in order to punish the citizen for the offenses of which the penalty for an alien is deportation. Already there are evidences of reorganization of the revolutionary groups so as to escape the operation of deportation statutes. Naturalized citizens, who as individuals are immune under the present Federal laws, are taking the lead, feeling safe by reason of the difficulty of the Government's making a case under the conspiracy statute.

There are only two sections of the Federal criminal code which may be invoked in dealing with "red radicalism". One is Section 4, which makes it a crime to incite, set on foot, assist or engage in any revolution or insurrection against the authority of the United States and the laws thereof. It seems perfectly clear that there must be actual revolution or insurrection before a crime has been committed under this Section. The other is Section 6, which makes it a crime for two or more persons to conspire to overthrow, put down or destroy by force the Government of the United States, etc. This obviously does not reach individual agitators. A conspiracy in its full legal sense must exist and be proven. Now that it is probable that no organization will any longer openly avow revolutionary doctrines or pledge their members jointly to employ physical force or violence to accomplish their alleged reforms, Section 6 will seldom afford a remedy

The deficiencies of our present Federal laws are well illustrated by the fact that the bomb throwers, who, with intent only to injure the government, made murderous attacks upon the homes of government officials, committed no crime under the Federal statutes. If they had stood upon the sidewalk in front of these homes on the day of their attacks and had publicly threatened to commit the act which they did subsequently commit, the Federal laws would have been powerless to punish them for the threat. A man might walk down Pennsylvania Avenue, in the City of Washington with a bomb in his hand, intending and publicly threatening to blow up both Houses of Congress while in session, and be immune from prosecution under any general Federal statute; and should he actually proceed to the Capitol and actually explode a bomb with that purpose and with the plain intent of doing injury to the government, he would commit no crime under general Federal laws, except possibly that of defacing or destroying government property. In most instances the local laws either of the District of Columbia or of the various States and Territories might be invoked. A man would commit murder if he assassinated a public officer or be guilty of malicious mischief if he injured his home in an effort to assassinate him. But the crime is one which is not directed against the person or property of the officer, but against the Government of the United States. Officers of the Federal government, charged with the duty of protecting the government, plainly ought not to be required to depend upon local laws

and local law enforcing officers to deal with situations of this character.

Those who perhaps lack the physical courage to commit acts of violence directed against the government, but who nevertheless urge others to their commission by the open threat, or promise, or advocacy, written or spoken, of acts of physical force or violence, should be held equally responsible with the deluded wretch who may thus be induced to commit criminal violence. To my mind, the ignorant anarchist who shot down President McKinley was no less guilty than the more intelligent anarchist leader whose theories and teachings led him to commit the crime. Czolgosz was punished with dispatch, but it has taken nearly twenty years for justice to overtake his teacher when Emma Goldman was finally deported.

Perhaps there can be no better illustration of the typical way in which the Third International operates to further its revolutionary intrigue than the connection between it and the recent so-called out-law railroad strike which began at Chicago in April of the present year. In the bulletin of the provisional bureau at Amsterdam of the Communist International, published in February, 1920, is the following characteristic statement, "Therefore we appeal to the workers of all countries to follow this example and with the utmost energy to wage the war for their deliverance. They must attack and undermine capitalism, enfeebled already, and the bourgeois state-power, by ceaseless mass action (demonstrations, strikes)." The American delegates were in attendance upon the Amsterdam conference purposely to lay plans for cooperation in this direction. The Communist party in America was already committed to this policy and there is in its manifesto and program a positive assertion that, "The Communist Party must engage actively in the struggle to revolutionize the trade unions. As against the unionism of the American Federation of Labor the Communist party propagandizes industrial unionism and industrial union organization, emphasizing their revolutionary implications. Industrial Unionism is not simply a means for the every day struggle against capitalism; its ultimate purpose is revolutionary, implying the necessity of ending the capitalist parliamentary state. Industrial Unionism is a factor in the final mass action for the conquest of power, as it will constitute the basis for the Industrial administration of the Communist Commonwealth.

"The Communist Party recognizes that the A.F. of L. is reactionary and a bulwark of capitalism.

"Councils of workers shall be organized in the shops as circumstances allow, for the purpose of carrying on the Industrial Union struggle in the old unions, uniting and mobilizing the militant elements; these councils to be unified in a central council wherever possible.

"It shall be a major task of the Communist Party to agitate for the construction of a general industrial union organization,

embracing the I. W.W., the W. I. I. U., Independent and Secession Unions, Militant Unions of the A. F. of L. and the unorganized workers, on the basis of the revolutionary class struggle.

"The Communist Party and the I. W. W. have been working in close connivance in the United States.

"In papers taken from a Communist courier on his way to the United States, (March, 1920) G. Zinoviev, as President of the Executive Committee of the Communist International, appealed to the Communist Party in America as follows;

"The Party must take into account the every-day incidents of the class war. The stage of verbal propaganda and agitation has been left behind; the time for decisive battles has arrived. The most important task confronting the American Communists at the present moment is to draw the wide proletarian masses into the path of Revolutionary struggle. The Party must have for its goal the dissolution of the American Federation of Labor, and other Unions associated with it, and must strive to establish the closest connection with the I. W. W., the One Big Union, and the W. I. I. U., The Party must support the formation of factory workers' committees in factories, thus serving as basis for the everyday struggle and for training the advance crowd of labor in managing industry".

"The I. W. W. should take the initiative in trying to establish a basis for uniting all unions having a class conscious revolutionary character, such as the W. I.I.U., the One Big Union, and insurgents from the American Federation of Labor.

At a meeting of the general executive board of the I.W.W., in the Autumn of 1919, the following resolution was carried:

"Resolved, The Soviet Republic of Russia in its call for the organization of the Third International, including the I.W.W., as one of the bodies eligible to such new International, and,

"Whereas, The I. W. W. is the only revolutionary organization in the United States whose program is absolutely scientific and uncompromising, and is the logical American unit of the Third International, and

"Whereas, The Proletarian Revolution is world-wide and not national or local in its scope,

"Therefore, The time has come for the I. W. W. to assume its proper place as the American Unit of the Workers' Red International and to establish closer relations with groups of the same or similar principles in every country, such as the Communists of Russia, Hungary, Bavaria, etc., the Spartacists of Germany, the Syndicalists of France, Italy and Great Britain and other countries, and the International Unionists of Canada and Australia; therefore, be it

"Resolved, that the I. W. W. shall create a committee on International Relations, which shall at once establish and maintain correspondence and fraternal relations with such aforesaid revolutionary groups throughout the world and shall provide for the representation of the I. W. W. as a constituent member of the Third International".

After the collapse of the steel strike a number of the more radical men who had been leaders in that enterprise and were of I. W. W. affiliations, engaged in the endeavor to promote the railroad strike of April. Lists of all railroad men who were members of the Communist Labor and Communist parties were sought, and names of all railroad men opposed to the present management of the Brotherhoods, were also collected. Meetings were held in the Continental Hotel in New York, Great Northern Hotel in Chicago, Park Avenue, and other places, at which the plans were laid.

The fundamental agitation of these leaders was the destruction of the Railroad Brotherhoods, the removal of their leaders, and establishment of the ONE BIG UNION. At first it was intended that the I. W. W. should not publicly figure in the strike, but Grunau, in Chicago, deviated from the original plans and allowed the workers, who were for the most part innocent dupes in the business, to split the strikers into four separate organizations. This caused some dissention, which has resulted in the movement for the Railroad Workers' ONE BIG UNION. Several conferences were held at the I. W. W. headquarters in Chicago and at other points in that city. Granau had gone too far with the four organizations to turn back, and the only way THE ONE BIG UNION could be given a start was through the Railroad shopmen, who would be urged to strike under the ONE BIG UNION banner and thus persuade Granau's organizations to reorganize and join them.

It was realized that the I. W. W. could not make headway, because of the prejudice or fear of the three leaders, and the fact that the men would not warm up to organization under these auspices. However, the Railroad Workers' ONE BIG UNION was decided upon as a cover for the I. W. W. One Bidwell, a member of the newly formed Chicago Engine Men's Association, replaced Granau. Bidwell is confident he can swing the four organizations into the ONE BIG UNION IDEA, provided the R. R. shopmen follow on his plans.

The direct connection, under cover, of the I. W. W. with other bodies of workmen in different parts of the country who engaged in the April strike, is positively established by documents in the possession of the Department of Justice.

I have hurriedly reviewed the revolutionary movement elsewhere in the world shown its international plan, scope and purpose, and have tried to give you some idea of the progress it has made in this country. I have also touched briefly upon the

efforts of the Department of Justice in the enforcement of such meagre laws to meet the situation as we found upon the statute books. For it must be remembered at all times that, practically speaking, the deportation statute is the one law which affords any adequate remedy for revolutionary efforts by way of force and violence or the threat or promise thereof. A citizen, of course, cannot be deported. As far as the Federal Laws go, he cannot be punished for a threat or attempt to injure or destroy the government by physical force or violence, unless the government is able to prove conspiracy, always a difficult, frequently an impossible thing to do.

To adequately cope with the Red menace, to keep the peace and maintain order in the country in the way the American people expect it to be done, two things were necessary: first, the rigorous, unflinching and expeditious enforcement of the deportation law, and second, the passage of a single statute, carefully guarding the right of free speech, but providing punishment for the use of force or the threat of violence to injure the government or destroy its institutions.

I am firmly convinced that the preponderance of American public opinion supports both these things. I am firmly convinced our people want to send back to his own country the plotter who seeks to transplant the chaos of unhappy Russia upon our shores; I am equally convinced that our people want to mete out proper and severe punishment to the citizen, native or naturalized, who joins forces with the alien anarchist in his wicked attempts to injure the government whose policy of protection to the weak and oppressed alone makes his presence here possible.

But there has been from the beginning an element of loud and critical opposition to this thoroughly American policy of law enforcement for America's self-protection.

The Department of Justice is encountering now the opposition not of an individual, but of a vice-point and of a class, a class which has seen fit to subject the Department and the Attorney General to misrepresentation, abuse, vilification and ridicule.

This, I am glad to say, has not emanated from organs of partisan politics, proverbially hostile under the American tradition, and usually innocent because so understood, but from the ultra-radical themselves, and from elements of our people and of our press professing a superior, "advanced" point of view, contemptuous of the existing order in all fields, and devoted to critical agitation for constant change in our institutions, our laws and all our processes of government.

These elements are never sincerely sympathetic with the administration of law and order, which they, in their elevated philosophy have regarded as the cruel instrument of injustice rather than the only safe instrument of progress. They are never heartily loyal to the national ideals, since their own notions of perfection seem to them infinitely more worthy of respect. They will point to more defects in our institutions in an hour, than to their merits in a lifetime. They find nothing so beautiful in the past as its mistakes, nothing so interesting in the present as its symptoms of trouble, and no prospect for the future as the possibility that national contentment may remain.

People of this sort, especially in the columns of our so-called "liberal" press, have showered the Department of Justice with their muddy complaints from the moment when, in connection with the other proper federal authorities, last November and in January, it proceeded to move against alien revolutionary parties. They rushed into the breach of alien Bolshevik defense. They were against the law in this matter and against the policy. They were of the opinion that Bolshevikism should be allowed to plot and propagate here without the least discouragement or hindrance. They hailed the advent of Bolshevik revolution, not as, what normal men have known it to be, the most brutal, the most corrupt, the most wickedly fatuous insurrection of mob ignorance in all history, but as an event of triumphant social virtue, led by sublime genius and consecrated to the uplift of the toiling masses. They were deluded. They shut their eyes deliberately upon the true aspects of the Communists bloody and unprincipled dictatorship, its criminalities of assassination and terror, its robberies or expropriation, its unspeakable tyrannies of minority control, its suppression of the press, free thought and voluntary industry, its treasons to national honor, its wreckage of property, its barbarities upon women and children, its persecution of religion, its thousand and one iniquities of incompetence and filth, while they swallowed greedily the propaganda of revolutionary literature and appointed themselves to act the part here of sponsors and apologists and helpers of a set of people and of a program, which, in right American opinion, must remain forever condemned as inherently wrong and impossible. Every active man must have a feeling toward opposition of this character very much like that which a soldier must feel in the trenches when he is annoyed and distressed by mosquitoes and flies, and vermin and mud and pelting rain and similar necessary hardships which a soldier at the front accepts without complaining.

As a personal concern, I would make no attempt to answer. But I wish you to understand that the body of those people is the favorable culture into which the revolutionary agitators place their germs of social treason, and that it is here they grow most rapidly and from here that they are able to do a great deal of damage.

They do it in the press constantly by misrepresentation and deliberate distortion of the news according to their sympathies

and predilection.

They do it in the churches by departing from the proper offices of religion and substituting elaborate excursions of intellectualism into fields of sociology and of political science concerning which they have but imperfect knowledge and a very poor understanding.

They do it in the circles of the labor organizations. By their loose talk and mistaken ideas, they strive to delude and inflame more conscientious and more practical leaders of laboring men,

They do it in politics by the old cry of "holier than thou", and by forgetting the necessary limitations of human nature and trying to install Utopian institutions in an age of frailty. They become demagogues and professional reformers and they obstruct real progress.

They do it in the schools by perverting the minds of the young.

They are unrealizing in all this, for most of them are sincere and well meaning enough and do not appreciate the dangers into which their teachings may lead persons less capable of discrimination between philosophy and action. Words of theory are often the triggers which explode acts of violence.

With this class of people, Mr. Chairman and Gentlemen of Committee, all good Americanism must take flat issue. We are not living in an ordinary time when it is safe to try out fantastic theories, whose successful operation implies forcible changes in form of government. We are living in a time which compels from us all the loyalty and effort we can muster toward the praise, support and the maintenance, of American democracy and its manifold triumphs of accomplishment; its magnificent traditions and its heroic examples; its splendid and appropriate institutions. I have in mind an expression which Robert Louis Stevenson used in one of his novels: "Well sir, the great thing for the good of one's country is, first of all, to be a good man." All springs from there."

To be a good man, today, for an American, is to be a loyal and confident believer in the American method of making progress, through the institution of law and order and in constant accord with the plan of the fathers whose wisdom, vision and sacrifice gave to us a priceless heritage of civil liberty, happiness and prosperity, the fullest, the truest, the richest in all the world.

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CHARGES THAT EXCESSIVE BAIL HAS BEEN DEMANDED BY
THE DEPARTMENT OF JUSTICE.

It has been stated by Mr. Post that excessive bail has been demanded to keep men in jail when they have been arrested.

In the cases of EMLA GOLDMAN and ALEXANDER BERKMAN, the Department of Justice insisted upon not less than \$15,000 bail. I believe that the Committee can well appreciate the necessity for such bail in the cases of two such notorious anarchists.

It is submitted that the purpose of bail is, in the last analysis, the securing of the attendance of the person concerned. In determining the amount necessary to attain this object the Department of Justice has used as its guide the experience of the Government in previous similar cases.

There have been cases of alien anarchists, against whom deportation proceedings were instituted, wherein the aliens were subsequently released on bail fixed in the usual sum of \$1,000 and the immigration service was unable to execute the warrant of deportation when issued because of the disappearance of the aliens between the time of release and the issuance of the orders for deportation.

A notable instance is that of RUGERO BACCINI, a follower of the notorious "Galliani" of "Cronaca Sovversiva" fame. Baccini was located and apprehended by Agent Drew of this Department in Paterson, N. J., on May 16th, 1918. Baccini was removed to Ellis Island, given a hearing under the Immigration Act and released on \$1,000 bail. (See photostat copy of letter from the Acting Secretary of Labor, #54379/49, dated July 2nd, 1919, attached).

After his release he took an active part in the bomb plot of June 2nd, 1919. Without disclosing the nature or source of our information at this time, (to do so would be highly detrimental to the Government's interests) it may be stated that he engineered the explosion of the bomb on that date at the home of the President of the Suanaha Silk Co., in Paterson, N. J., (Mr. Klotz); just previously several men had been discharged therefrom for agitation, two of them being members of the "Era Nuova Group" of anarchists, one acting as spokesman for the disaffected employees. Subsequent to this dastardly attempt to murder Mr. Klotz and his family, which also would have involved the family in the adjoining house, the bomb having been exploded between the two houses, (photos of the effect of the explosion being attached) Baccini departed for Italy, where he is at present, according to our information, assisting Galliani in the publication of "Cronaca Sovversiva," at Genoa, Italy.

The result is that the order of deportation has never been executed.

As a result of the investigations of the Department of Justice, there were recently apprehended some of Baccini's associates and the investigation is still proceeding. Meantime, the Department of Justice has requested the Secretary of Labor to institute deportation proceedings with respect of said associates.

Another instance is that of Robert Parsons, an alien anarchist, who was apprehended in Paterson N. J., through the investigations of the Agents of the Department of Justice in Paterson, N. J., and against whom deportation proceedings were instituted at the initiation of said agents. Parsons was taken into custody on an immigration warrant on May 1st, 1919, and subsequently released under \$1,000 bail. Under date of November 18th, 1919, the Assistant Commissioner of Immigration, in his letter #54616/163, advised this Department that the Department of Labor had on that day (November 18th) issued its warrant directing the deportation of Parsons to Canada. This warrant has never been executed and our information is that Parsons went to Canada and from last reports was in Toronto. (Photostat copy of above mentioned letter is attached). It may be stated that at the time of Parsons' arrest he had a large supply of the issues of the "Anarchist Soviet Bulletin," which he was distributing.

While Parsons was at large and before the issuance of the order of deportation, the Department of Justice requested that the bail be increased and the Assistant Commissioner of Immigration in his letter #54616/163, dated August 25th, 1919, stated as follows:

"You will note that our Ellis Island office is of the opinion that their present bonds are safe guarantees of surrender upon the basis of evidence now in their possession." (Photostat copy of above mentioned letter attached).

It would be interesting to know upon what premises the Ellis Island Office predicated its opinion that the "present bonds" were a safe guarantee of the surrender of the alien when desired.

Mention has been made before this Committee of the question of excessive bail in the case of JOHN DUDINSKY and in which the Department of Justice recommended that the bond in this case be not less than \$10,000 and which recommendation the Assistant Secretary of Labor overruled and fixed the same at \$1,000. In the recommendation made, the grounds for the increase in bond was based upon the fact that DUDINSKY had been a delegate to the COM-

MUNIST PARTY Convention in Chicago, at which time its Manifesto was adopted, and that he was an organizer in the State of New Jersey for the Communist Party and had actively participated in its councils. He is well known to the state authorities of New Jersey, as well as to the federal authorities, and in view of his particularly aggressive and pernicious activities the recommendation for \$10,000 was deemed warranted. The Assistant Secretary of Labor, I believe, has maintained that the facts set forth in the recommendation were not sustained in the record. At this time, I desire to call the Committee's attention to a fact which I believe has been entirely ignored; namely, that under the ruling of the Assistant Secretary of Labor, the function of the Department of Justice ceases as soon as the warrant of arrest is issued. The Department of Justice is not accorded the privilege to present evidence at the hearing, to examine witnesses, to cross-examine witnesses, nor to review the record when completed. I fail to find in the files of the Department of Justice any request from the Department of Labor to the Department of Justice to substantiate the facts set forth in its letter recommending an increase of bond in the Dudinsky case. It occurs to me that had the Assistant Secretary been desirous of enforcing the law that he would have called the attention of the Department of Justice to the fact that the statements set forth in the letter of recommendation were not borne out in the record and that he would appreciate it if the Department of Justice would submit the necessary evidence. Such was not done and the first knowledge we had of the fact that the record in the Labor Department was defective was when the Assistant Secretary appeared before this Committee and made the statement to that effect. In his statement the Assistant Secretary said the inspector is not a prosecutor. If such be the case, then it surely should follow that at least some branch of the government should perform the functions of counsel for the people. I might say in closing with the DUDINSKY case that on the night of May 11th, 1920, after DUDINSKY had been released by the Assistant Secretary of Labor, a meeting was held at No. 57 Beacon Street, Newark, N. J., composed of members of the UNION OF RUSSIAN WORKERS, COMMUNIST LABOR PARTY and COMMUNIST PARTY OF AMERICA, for the purpose of re-organizing all radical groups. At this meeting the following named persons were present:

SAM LA GRANSKY, Secretary of the Communist Party and in which case the Department of Justice recommended that his bond be fixed at not less than \$10,000.

JOHN KOLTZOFF, arrested on January 3, 1920, under immigration warrants.

GEORGE ARLOV, member of the organizing committee of the Communist Party and arrested on January 3rd under an immigration warrant.

ROMAN KUNSIGA, arrested on January 3rd under an immigration warrant and in which case recommendation was made by this Department that bail be fixed at not less than \$10,000.

JOHN DUDINSKY, the subject's case now under discussion

DEMIAN VLASOFF, member of the Union of Russian Workers and an anarchist.

This group, all of whom had been released by the Department of Labor, met but two weeks ago after the ruling of the Department of Labor upon the Communist Labor Party for the purpose of endeavoring to join together again for revolutionary activities. At the meeting on May 11th, Koltzoff, who claims to be in close touch with Martens, stated to the group that he had been informed by a member of the Martens' staff that the decision of the Department of Labor upon the Communist Labor Party, would be upheld and that the Communist Labor Party will have the best opportunity to organize all of the working classes of America to seize industries and when that is accomplished the overthrow of the present government will be a minor thing. It will thus be seen that the recommendation of the Department of Justice for bond of \$10,000 in these cases was not so wholly unwarranted. These men had been arrested on January second for revolutionary activities, after careful investigation by the Department of Justice. In view of the meeting of May 11th, it would appear that that recommendation was well warranted. I cannot concede the point that the government should go to the expense of arresting a wilful violator of the laws of this country and release that violator upon an insignificant bond which in no way deters him from again committing his act, nor insures his presence when desired.

Another instance which may be well for the committee to consider, wherein this Department witnessed the result of fixing a low bond in the case of a pernicious agitator, was the case of ALEXANDER STOCKLITZKY, an alien arrested upon a warrant of the Secretary of Labor in August, 1919. This alien was arrested for his communistic activities, as well as for his threats of force and violence. He was accorded a hearing in September, 1919, and released upon \$1,000 bond over the objection of the Department of Justice. He proceeded to Gary, Indiana, during the course of the steel strike and there openly urged the workers to seize the guns and turn them on the soldiers--the soldiers of the UNITED STATES--who were there to preserve the laws of this country. Again the Department of Justice urged that bond be increased to \$10,000 and again its recommendation was ignored. Stocklitzky was directly instrumental for the formation of the COMMUNIST PARTY in the United States; he was a typical, vicious Russian agitator. Four times the Department of Justice recommended that this man be taken into custody and released upon not less than \$10,000 and not once was its recommendation acted upon, until December 15th, 1919, when the Department of Labor

did order Stocklitzky to surrender himself and to date they have been unable to find him. This is an instance wherein \$1,000 bond was fixed and an active agitator has worked to the detriment of the interests of the United States. After experiencing such instances, I have consistently recommended \$10,000 bonds in all cases of aliens who have been actively identified or actively responsible for the revolutionary movement in the United States and I maintain that my recommendation has been well warranted and based upon the facts ascertained by the Department of Justice, for in many instances where the agitators have been released upon small bonds, they but go back reinforced in their determination to agitate against the government as is shown by the meeting in Newark, N. J., on the night of May 11th.

Another instance which it may be well for the Committee to know of is that of MATTHEW FURSHTMAN, an alien and a member of the UNION OF RUSSIAN WORKERS, who was arrested on the night of November 7, 1919, in the city of Philadelphia, while delivering a lecture at a meeting of the Union of Russian Workers. Spread out upon the table before Furshman while he was addressing the meeting was a notebook of notes made by him, as well as a copy of NOVIMIRSKY'S Manifesto upon Anarchism, which was published by the Union of Russian Workers and in which open advocacy of force and violence appears. Both of these books were open and it was apparent that Furshman was basing his lecture upon the contents of his notebook, as well as "Novimirsky's Treatise upon Anarchy." Furshman was taken into custody and finally ordered to be deported after many representations made by the Department of Justice in this case. In addition, there was obtained against Furshman on the night of his arrest other correspondence showing that Furshman had been actively identified with the Union of Russian Workers, an anarchistic organization, and in view of the fact that he was taken into custody in the act of delivering a speech, the Department maintained then and maintains now that it had a perfect case against the individual which was sufficient to warrant deportation. Deportation was ordered, but his attorneys made representations to the Department of Labor to the effect that if Furshman was deported to Russia, such deportation would be disastrous to him physically, as it was claimed that he had but one lung and was suffering from tuberculosis. I am not aware as to the actual physical conditions of this subject as found by the medical examiners, but I do know that even though he had but one lung it was sufficiently strong for him to deliver to a group of Russians, non-citizens of the United States, a lecture on anarchism. I recommended that he be among those to sail on the "Buford," but my recommendation was ignored and today Furshman is at large upon \$1,000 bond. I believe that when a man is apprehended in the act of delivering to aliens a lecture seething with revolutionary doctrines, dealing with the employment of the principles of anarchism, that a subsequent claim of physical disability should not deter the government from the enforcement of the act. It seems to me if such a subject had been so physically

incapacitated he would not have had sufficient strength to deliver such a lecture.

The claim has been made that the Department of Justice has recommended excessive bail in order that the alien may not be permitted to be at large. Such is not true. The purpose of the Department of Justice for asking bail in \$10,000 or \$15,000 amounts is not based upon the desire of preventing the subject from obtaining bail, but is based upon the fact that a person who is an active and pernicious agitator should be required to furnish bail in sufficient amount to guarantee his production which was not done in the case of ALEXANDER STOCKLITZKY. It might be of interest for the Committee to know some of the facts in the case of MARTENS, the so-called Bolshevik Ambassador in the United States. I do not believe that any one will maintain that Mr. Martens is financially embarrassed, for it is a well known fact that he has ample funds; both in cash and precious gems. The Department of Justice prepared the case for deportation against Martens, clearly showing that Martens was a member of an organization which had for its purpose the overthrow of the government of the United States by force and violence. A warrant of arrest for Martens was requested by the Department of Justice, with recommendation that bail be fixed at not less than \$10,000. Mr. Abercrombie, then Acting Secretary of Labor, issued the warrant of arrest and fixed the bail at \$10,000. Subsequent thereto, however, Mr. Post cancelled the bail and released him into custody of his attorney. I cannot see the justification of this act. Martens, it was well known, was well supplied as I have said stated with funds and could have met the obligation of furnishing \$10,000 bond. A member of his staff, GREGORY WEINSTEIN, was arrested and bond fixed at \$10,000 in his case and promptly furnished. Certainly it could not be claimed that the reason for the cancellation of bond in the Martens case was based upon the fact that to have fixed bond at \$10,000 would have resulted in Martens' detention, so the argument made upon that point by officials of the Department of Labor, I do not believe would stand examination.

Reference has been made before this Committee to the case of PAUL BOSCO, an alien whose bond was reduced to \$1,000 by the Secretary of Labor, it being claimed that to have held him at a higher bond would have resulted in his detention, since he was financially unable to furnish that amount. It might be incidentally stated that the Department of Justice made no recommendation in regard to the bond in the Bosco case, but it has been inferred that the Department of Justice would have approved a bond of \$10,000. I, without any hesitation, will state that the Department of Justice does feel that Paul Bosco should have been held in custody until bond of \$10,000 was furnished, in view of the pernicious character of this individual. Upon completion of his sentence at the penitentiary, he specifically said he would like to have seen the red flag waving over the American flag. My

idea of Americanism and the preservation of its institutions would never lead me to believe that such a remark was made in a factious mood. Examination of the character of Paul Bosco is clearly indicative of the nature of that individual and that statement plainly shows his ultimate desire and purpose. Any alien giving expression to such sentiment after having been convicted and served sentence, to my opinion, should not have been released upon less than \$10,000 bond.

Considerable comment has been made in the daily papers and certain correspondence has been published by the Department of Labor upon the case of ROBERTO ELIA, an alien taken into custody in the city of New York. In that case a warrant of arrest was issued by the Department of Labor in March 1920, upon the request of the Department of Justice. I might state for the information of the Committee that in February, 1920, a raid was made upon a group of anarchists in the city of Paterson, N. J., and from the evidence obtained at that time certain investigations were started in New York City which resulted in the apprehension of two Italians; namely, ANDREA SALSED0 and ROBERTO ELIA. Upon their arrests, both of these men frankly admitted that they were anarchists and as soon as this statement was obtained warrants of arrest were immediately asked for of the Department of Labor. Subsequent to that request and before service of the warrants could have been effected, SALSED0 and ELIA disclosed some very important information in connection with the bomb plot of June 2nd, 1919, and with their consent and the consent of their attorneys they remained in the Department of Justice Building in New York City until the information furnished by them could be verified and other persons interested in the bomb plot could be located. Salsedo admitted that he had printed "PLAIN WORDS", a pink circular found at the various residences bombed on the night of June 2nd, and Elia admitted that he was in the print shop when the circular was printed; that he was there when it was delivered to CARLO RECCHI, and that he (Elia) had been connected with the notorious anarchist GALLIANI, who has now been deported; that he (Elia) had participated in the printing of the "Cronaca Sovversiva," one of the most vicious anarchist papers in the United States; that he (Elia) was interested in the printing of the "L'Era Nuova" and "Domani," and was well acquainted with many notorious terrorists in the United States. As stated, Elia remained voluntarily with the consent of his attorney at the Park Row Building of the Department of Justice, and his presence there was unknown to the general public until Salsedo committed suicide this month. Then, of course, the fact of the presence of Elia in the Park Row Building became known and the Department of Labor took occasion at that time by implication and inuendo to claim that the Department of Justice had been exceeding its authority in holding Elia, and I believe the Assistant Secretary directed an investigation of the matter at Ellis Island, to ascertain whether or not the warrant had ever been served and to endeavor to prove that the Department of Justice was holding Elia without warrant. He did not inquire of the Department of Justice as to the facts in the case. He did not

know that Roberto Elia had willingly stayed in the office of the Department of Justice and his attorney DONATO had consented to his presence there. Elia was never questioned except when his attorney was present. The death of Salsedo handicapped to a certain extent the investigation being made by the Department of Justice, for the individuals who were under surveillance naturally became more cautious in their movements and some of them have disappeared entirely. In view of the attitude of the Department of Labor, Elia was immediately turned over to the authorities at Ellis Island. When he was transferred to the Labor Department, request was made by the Department of Justice for bond to be fixed at not less than \$15,000, in view of the fact that Elia was actively identified with the bomb plot of June 2nd.

I submit to the Committee the proposition that any alien who has admitted that he is an anarchist and has been one for many years; that he was an intimate associate of Galliani, one of the most notorious anarchists in the United States; that he participated in the printing of "Cronaca Sovversivis," a vicious anarchist newspaper; that he was interested in the printing of the "L'Era Nuova," an anarchist newspaper; that he was interested in the printing of "Donani," a vicious Italian newspaper, published in the city of New York; that he was present when Carlo Recchi came to his print shop and conferred with him and Salsedo for the printing of "Plain Words," the circular in which open advocacy of murder appears; that he was present when this circular was printed; that he was present when the circular was delivered to Recchi and that he was on intimate terms with the leading terrorists in this country; I submit to the Committee that when these facts appear against a man, the Department of Labor would be well warranted in fixing his bond at \$15,000 and more.

The Statement has been made that if Roberto Elia was in fact actively identified with the bomb plot that he should not be deported, but that he should be criminally prosecuted. It seems to me that it would be folly for the Government to prosecute its own witness. All anarchists live in fear and terror of their own associates and comrades, and if Roberto Elia was released upon a nominal bond, it is but natural that he would disappear entirely in order that he might not be compelled to testify in a criminal court against his associates. I do not find in the letter addressed to the Department of Labor, in which bail was requested at \$15,000, that the Department of Justice specifically asked that Elia be deported at once. Even after deportation is ordered, the carrying out of the order is often suspended pending the outcome of other proceedings. It is customary in many cases to have warrants of arrest issued by the Labor Department and the same stand in abeyance until the charges in the state or federal courts have been disposed of. I cite the case of MOLLIE STIMER, in which case a warrant was issued by the Department Of Labor and now Miss Stimer is confined in the Jefferson City penitentiary, serving a term of fifteen years for a violation of the Espionage

Act. Prior to her incarceration in the Jefferson City penitentiary, she was at Blackwell's Island, serving a term of six months for the violation of the New York laws. So, there is nothing novel in the ELIA case which would subject it to criticism by any one who is fully conversant with the facts.

It has been particularly exasperating to the Department of Justice to find after a man has been arrested and the pernicious nature of his activities clearly established that he should be released upon a minimum bond which in no way is sufficient guarantee for his production when desired and is far from a guarantee for the best interests of the United States. In connection with this particular phase of the bond question, it might be well to make mention of the attitude of the Department of Labor in its delay in deportation after the same has been ordered. I do not believe that the Assistant Secretary of Labor is in favor of the same method of deporting aliens as was followed in the "Buford" case. Incidentally, the Assistant Secretary, Mr. Post, had nothing whatsoever to do with the "Buford" matter. That matter was effected without his assistance. At the present time there is no deportation going forward toward Russia, though the War Department and the Department of Justice has been ready to make the necessary arrangements.

A notorious case which has been the subject of considerable comment, both in and out of official circles, is the case of ALEXIS GEORGIAN, a case which I believe it would be well for this Committee to inquire thoroughly into, if it has not already has not already been done by the Committee of Immigration. I understand that a large portion of the file in the Alexis Georgian case has disappeared and it may be this portion of the file that would prove of most interest to the Committee. The Alexis Georgian case has been pending for over a year. In his behalf, strong influences have been brought to bear and requests have been made by the Department of Justice frequently for his deportation. On May 28, 1919, nearly a year ago, the Acting Secretary, Mr. Abercrombie, stated that it had been found that Alexis Georgian had advocated the overthrow by force or violence of the Government of the United States; that he had been found to have been advocating the unlawful destruction of property, and that a warrant of deportation had been issued by the Department of Labor. Subsequent thereto the file in the Georgian case was opened for inspection to the Minneapolis Labor Review, and this act in itself was sufficient to have exposed to assassination men in the secret service of the State who had gathered the evidence against Georgian. After many communications had passed between the Governor of the State and officials of the Government, and after frequent requests from the Department of Justice, Alexis Georgian was finally moved to Ellis Island in December, 1919. He had owned in the city of St. Paul a book shop at which radical literature of all nature was sold. His reputation in the State

of Minnesota had been most odious, incensing the public opinion to such an extent that representations were made to members of the United States Senate and to the President himself, urging that the warrant of deportation be carried out. Upon his removal to Ellis Island a writ of habeas corpus was sued out in the United States District Court for the Southern District of New York, and when Judge Knox, who presided in the case, called for the evidence in the case, it was found that one-half of the exhibits in the case upon which the warrant of deportation had been issued had disappeared in a most mysterious manner. The Department of Justice again came to the rescue and obtained duplicate copies of the missing evidence where it was possible. I have the decision of Judge Knox, which I believe should be made a part of this record, in which he reviewed the evidence upon which Georgian was ordered to be deported and in which he came to the following conclusion:

"His purpose was to aid in fanning the fires of discontent and while within limits, this may be entirely lawful, the purpose he had in mind was I think the forcible overthrow when convenient of this government."

The attitude of Georgian himself may be appreciated by the following statement made by the subject:

"Here I will put President Wilson on the bum; I don't give a damn for the President of the United States or anybody else. Russia is the only place. They don't dare to do anything to me. I am not an American citizen."

Judge Knox dismissed the writ of habeas corpus and remanded the alien into the custody of the Acting Commissioner of Immigration at Ellis Island. To date ALEXIS GEORGIAN has not been deported, but he is at present at large in this country on a bond of, I believe, \$3,000. I submit to the Committee for its earnest consideration whether such a man should be permitted to remain in the United States indefinitely and be permitted to continue to carry on his agitation, for even subsequent to his warrant of deportation in May, 1919, Georgian continued to sell at his book store in St. Paul copies of unlawful publications and defying even then the authority of the United States. Deportation to Russia can be effected and I but desire that the Department of Labor request me to make the arrangements for an early deportation to that country, and those arrangements will be made within a period of two weeks. There is no reason for delay in such matters, when the preservation of the institutions of this Government are at stake. I trust that this Committee or the Immigration Committee will see fit to inquire into the case of Alexis Georgian and, if possible, to find out where the missing files have gone.

Another case of interest is that of TIMOFEY SAWCHENKO, of Pittsburg, Pa., who was arrested in January, 1920, charged with membership in the Communist Party and released upon \$1,000 bond.

On May 17, 1920, he was again arrested, having brought into Pittsburgh from New York two suit-cases filled with thousands of Communist leaflets for distribution.

Under date of May 20, 1920, the Superintendent of Police of Waterbury, Conn., speaking of the critical situation existing in that city, stated that the released aliens could be counted upon to make trouble and that he assumed that the Department of Justice would be powerless to act in case of trouble in Waterbury, due to the attitude of the Labor Department.

It is submitted that experiences such as those described above, not only justify the insistence on the part of this Department of sufficient bail, but actually necessitates the fixing in the first instance of adequate security, and the Department of Justice maintains that \$1,000 bail is insufficient in the cases of alien anarchists actively engaged in agitation work in these proceedings.

In this connection, it is not unmindful of the observations of Mr. Cooley (Constitutional Limitations, 7th ed. pp. 439); that

" * * * In determining this, some regard should be had to the prisoner's pecuniary circumstances; that which is reasonable bail to a man of wealth being equivalent to a denial of right if exacted of a poor man charged with the life offense. * * *", because it is well known that in these cases the bail is raised not by the alien himself, but by the organization or group with which he is affiliated, or as in the case of anarchists of the individualist or terrorist type, their comrades, acting not as an organization or group, but as individuals working to a common purpose; viz., preventing the deportation of their associates with the consequent penalty that they would be unable to return to the United States after deportation without subjecting themselves ipso facto to a criminal action in this country and the chance of being turned over to the authorities abroad in the event of deportation.

In this connection, consider the cases of Fred Fedetoff and Tony Taizhin, two alien anarchists from New York, who were arrested in Bayonne, N. J., on March 7th, 1918, where they made a speech, saying among other things:

"Arm yourselves. Go out and kill everybody * * *

Wilson is sending the boys over on the other side for the big men with the money.

They were both convicted and sentenced to terms of from 5 to 10 years and 3 to 5 years imprisonment, respectively. An appeal was taken and they were released under \$20,000 bail each, which was later reduced to \$10,000 each. The decision was affirmed in the New Jersey Supreme Court, and then appealed to the New Jersey Court of Errors and Appeals, where the decision was recently upheld. When the sureties were called upon to produce these two defendants, it was found that they had disappeared. The Surety companies have offered a \$1,000 reward for each alien and requested this Department to endeavor to effect their apprehension, which, to this date, it has been unable to accomplish.

These two aliens were active members of the Communist Party, and, according to our information, Fedetoff was a general organizer on the staff of Mr. Martens, self-styled Soviet Ambassador. Surely the bail was not provided by these aliens themselves. Undoubtedly, it was raised either by the Communist Party or through Mr. Martens. Even \$10,000 was not sufficient to secure their presence when required.

It is to be noted that in connection with the Elia case mentioned above, wherein the Department of Justice recommended an increase of bond to \$15,000, that the Assistant Secretary, while increasing the bond to that amount, saw fit to give out for publication the entire correspondence between the Department of Justice and the Department of Labor, but the Assistant Secretary has not yet officially advised the Department of Justice that bond in the case was increased and the only information which the Department of Justice has upon the subject is that obtained from the daily papers. Along this line, it is worthy to mention also the fact that the Assistant Secretary is quite active in giving to the aliens' counsel copies of memoranda which he writes upon the cases, specifically instructing the Commissioner-General of Immigration to give such copies to the aliens' counsel and in these memoranda the Assistant Secretary takes occasion to point out what he terms the illegal actions of the Department of Justice. No copies of these memoranda are, however, ever furnished the Department of Justice. The point is that the Assistant Secretary never communicates with the Department of Justice upon matters involving its activities and never requests it to furnish additional evidence where the evidence in the case does not in his estimation warrant deportation, but on the other hand takes action and does so without advising this Department which is charged with the obtaining of the evidence.

The Assistant Secretary has seen fit to create in the city of Detroit a committee known as the "Advisory Committee of Detroit Citizens," who are composed of persons in no way officially connected with any Government department, but who have access to all of the Government records and upon whose recommendation the Assistant Secretary acts in regard to release upon bond. A telegram sent to the Inspector in Charge of the Detroit immigration station under date of May 14th is illuminating:

"P. L. Prentiss,
Inspector in Charge,
Detroit, Michigan.

Upon recommendation of the Advisory Committee of Detroit Citizens, bail in the following cases is reduced to \$500 (then follows the names of 10 cases). Should the committee so elect, the alien may be paroled in lieu of bail to the Committee or to such member thereof as the committee may designate.

Louis F. Post, Assistant Secretary."

Thus, we see that the duly authorized representative of the Department of Labor at Detroit has been supplanted by a so-called "Advisory Committee of Detroit Citizens," who recommend upon cases of bond and upon cases of release. I fail to find any provision in the immigration law for such a body.

CHARGE THAT ALIENS WERE ARRESTED WHO WERE IN
IGNORANCE OF THE PURPOSES OF THE ORGANI-
ZATION TO WHICH THEY BELONGED.

The charge has been made that many aliens taken into custody and against whom technical membership had been proven, were in ignorance as to the character of the organization.

I call the Committee's attention to Section 2 of the Constitution of the Communist Party of America, which is as follows:

" Applicants for membership shall sign an application reading as follows: 'The undersigned after reading the Constitution and Program of the Communist Party declares his adherence to the principles and tactics of the Party and the Communist International, agrees to submit to the discipline of the Party as stated in its Constitution and pledges himself to engage actively in its work."

This is the provision in the Constitution of the Communist Party and it must be assumed that an organization having a Constitution enforces the provisions thereof, I believe that this is a reasonable assumption. In other words, an organic law must govern. Such has been the ruling of the Labor Department when the organic law does not contain in their opinion open advocacy of force and violence as shown by their ruling upon the Communist Labor Party. In that case the Labor Department refused to consider any evidence other than that contained in the organic law. If the alien signs such an application for membership, should his mere allegation of ignorance, when arrested, overturn his written declaration, made when there was no necessity for evading the consequence of his act?

The Immigration Act of October 1918 provides for the exclusion and deportation of aliens who at any time subsequent to entry have become

"MEMBERS OF OR AFFILIATED WITH AN ORGANIZATION THAT ENTERTAINS A BELIEF IN, TEACHES, OR ADVOCATES THE OVERTHROW BY FORCE OR VIOLENCE OF THE GOVERNMENT OF THE UNITED STATES, ETC."

Therefore, mere membership or affiliation ipso facto brings an alien within the act. It is submitted, in this connection, that a knowledge of the program, constitution and other outlines of the purpose of the organization has no bearing in the cases in so far as that particular clause is concerned.

But assuming that many of the members of these organizations are not fully conversant with all of the subtle and complicated doctrines and philosophy or the programs of these organizations, it is a fact that they do know the fundamental and major principles, viz., the overthrow of the so-called "Bourgeois" or "Capitalist" state, the expropriation of property and industry and the setting up of the dictatorship of the proletariat, and it follows that they subscribe to these doctrines, else they would not affiliate, accept membership or attend the meetings of these organizations.

It may be pointed out that the law makes it mandatory upon the Secretary to deport when he is satisfied that an alien falls within the proscribed classes. The law provides that he shall deport, not that he may or can, etc.

The Secretary of Labor has definitely held that the Communist Party of America is one which is proscribed by the Immigration Act, hence mere affiliation with it, per se, is a cause for deportation; and it is outside the province of the Assistant Secretary to consider extraneous matters, such for instance, as the sufficiency of knowledge on the part of the alien of the philosophy, teachings, doctrines, etc., of these proscribed organizations. The sole question is whether the alien is in fact a member of or affiliated with, and there being "some" evidence proving such membership or affiliation, he is justified in issuing an order for deportation and where, as in many of these cases, the evidence is persuasive and conclusive then it is his duty to deport and in this connection, the question as to how the evidence was obtained is not before him and the proceedings being of a strictly administrative nature, not criminal or quasi-criminal, he has no concern in the methods of obtaining the evidence.

THE CHARGE HAS BEEN MADE THAT IN THE SWEEPING
RAIDS MADE BY THE DEPARTMENT OF JUSTICE THERE HAVE
BEEN BUT THREE PISTOLS FOUND.

In a letter from the Chairman of the committee it is stated that Mr. Post testified before this committee as follows:

"With all these sweeping raids all over the country there have been three pistols, I think it is brought to our attention in the scores of cases that have come to us. Three pistols, two of them 22 calibre. Now, I do not know whether a 22 calibre pistol is a homeopathic pill for a bullet or a cannon ball."

I should imagine that the Assistant Secretary of Labor would have informed himself both as to the dangerous character of a 22 calibre revolver and as to the actual number of guns and dangerous weapons obtained in the raids.

A 22 calibre revolver when used at close proximity is far from a small boy's play toy.

It might be interesting for the committee to see a picture of the results of the raids in Newark, N.J., on the night of January 2d. This picture will show the Committee that a number of rifles, in fact 12 in number, were obtained at the meeting place of the Communist Party, and that in addition to those 12 rifles were also found two revolvers and four bombs. The Committee must bear in mind that this was in the city of Newark alone. On the night of November 7th in the city of Newark when arrests were made of Union of Russian Workers three revolvers and two automatics were found, three of them being of large calibre. On the night of February 14th, 1920, when arrests were made of members of the L'Era Nuova group, 24 in number, and in whose cases the Assistant Secretary of Labor has canceled warrants of all but four, five revolvers and two automatics were found, four of them being of large calibre. This is the story of the guns found in the city of Newark alone.

In the city of Providence three guns were found; in the city of Philadelphia three guns were found; in the city of Hartford there revolvers were found one shot gun one pair of brass knuckles, and one bomb; in the city of Cleveland five guns were found; in the City of Chicago five guns were found; in the city of Toledo one gun was found; in the city of Buffalo many guns were found, the exact number not given, likewise in the city of Los Angeles. These are the reports from only a portion of the country but it clearly shows that the Assistant Secretary of Labor was absolutely in error when he made the somewhat facetious remark before this Committee that but three revolvers were found in the entire country, two of which he did not know but that they "might be homeopathic pills for a bullet."

The number of revolvers found, however, can in no sense be an element in the determination of the potential danger of these aliens. A revolutionary movement of sufficient proportions to seriously menace the peace and good order of the country can easily be carried on without the use of revolvers.

CHARGE THAT THE DEPARTMENT OF JUSTICE HAS IN ITS SERVICE PROVACATEUR AGENTS.

Mr. Ralston, attorney for Mr. Post stated that the agents of the Department of Justice were stirring up the unrest in this country, and were creating communists branches.

It can be emphatically stated that the statement of Mr. Ralston is a deliberate and unwarranted falsehood. It is to be noted that his statement is not sustained by any citation of facts but is characterized by generality, in which he has been pleased to indulge during the entire course of the hearings before the Rules Committee.

Considerable publicity has been given to the statements attributed to Judge Anderson of the Federal Court in Boston, Mass. which was to the effect that the Department of Justice owned and operated a part of the Communist Party and similar publicity has been given to a statement of Swinburne Hale who before the Secretary of Labor charged the Department of Justice with the employment of provacateur agents and with the employment of one LOUIS C. FRAINER, secretary of the Communist Party of America. In regard to this statement by Mr. Hale, it is sufficient to note that his statement was made on April 24th and Mr. Hoover, representing the Department of Justice at the hearing, challenged him to substantiate the statement and Mr. Hale stated that he would be glad to do so within ten days. To date, one month has elapsed and nothing has been heard from Mr. Hale.

The statements of Judge Anderson are apparently based upon a letter of instructions issued by the Bureau of Investigation under date of December 27th, 1919, being the instructions preliminary to the arrest of Jan. 2, 1920 when a large number of communists were simultaneously arrested in thirty three cities in the United States. These instructions among other things, contained the following statement:

"If possible you should arrange with your undercover informants to have meetings of the Communist Party and the Communist Labor Party held on the night set"

This letter was introduced at the hearing before Judge Anderson in Boston, and apparently the presiding judge jumped at the conclusion that such a statement was indicative of operation of the Communist Party and that the agents of the Department of Justice were engaged in creating the unrest prevalent in the United States at that time ulterior motives. There is not a single employee of the Department of Justice at this time or at

any time under my administration who has in any way actively participated in the councils of the Communist Party, and the Communist Labor Party, or any other revolutionary organization under investigation. To be sure, there are employed in the Bureau of Investigation confidential employees whose duty it is to obtain information upon the activities of the radicals in this country and in pursuit of that duty they have joined organizations of illegal character for the purpose of obtaining such information. There is certainly justification for agents becoming connected with aliens for the purpose of finding out what they are doing, but I challenge any one to show that a single employee of the Department of Justice has ever organized a branch of the Communist Party or the Communist Labor Party or been instrumental in the carrying out of its principles and program.

In connection with the letter of December 27th and the misinterpretation placed thereon by the court in Boston, a communication was forwarded to the Division Superintendent of the Bureau of Investigation on April 21, 1920, by the Chief of the Bureau of Investigation in which an explanation is given of the meaning of the sentence referred to in the letter of December 27th. The court at Boston, however, while keen and ever-anxious to see the confidential letter of instructions of Dec 27, 1919, flatly refused to permit the letter of instructions of April 21, 1920 to be introduced which was an explanation of the sentence considered so obnoxious by the court. There is attached hereto a copy of a letter of April 21st which I would be pleased to have made a part of the record.

This letter explains in detail the purpose and the only sensible construction that could be drawn from the letter of December 27th. It is sufficient to state that the meeting night for the Communists was set for January 2, 1920, which was the regular meeting night in all parts of the country. In a few instances, the communists had postponed or planned to postpone their meetings from the second to some other night in the week for various reasons and it was in these cases that the confidential employees of the bureau were instructed to endeavor to have the meeting held on the regular meeting night. It was not a case of having a special meeting called for the purpose of making arrests, it was not a case of taking aggressive action against the Government, but it was merely a case of insisting that the meeting should be held upon the regular night. There was to be a meeting on some night during the week and I could see no objection why the effort should not be made to have the meeting held on the scheduled night. I might state for the information of the committee that to my knowledge there were only two instances where such postponement had occurred, so the impression which has gone broadcast to the effect that hundreds of meetings were scheduled for that night through the instrumentality of the agents of the Department of Justice is wholly erroneous and no one, unless maliciously inclined can claim that a single agent of the Department of Justice has ever actively engaged in revolutionary activities in any of the organ-

izations of which they may be members.

An effort has also been made by certain individuals who seem so intently inclined to belittle the efforts of the Department of Justice to compare the investigating agency of the Department of Justice with private detective organizations. No one with a deliberate and calm mind and desiring to be fair and just in his conclusions could come to such an erroneous and wholly unfounded and illogical conclusion. A private detective agency renders its services for compensation and it may be claimed that where a condition is improving that the agency may lose financially thereby and for that reason might be desirous of continuing the agitation. There have been one or two isolated cases of unethical action upon the part of detective agencies, but it is by no means general. However, the Department of Justice renders its services for the protection of the laws, the Constitution and institutions of the United States and to stir up unrest would be to defeat the very purpose for which it is operated and the insinuations and ~~rumor~~ which has been cast against the Attorney General that he had made political capital out of real agitation is a deliberate and base falsehood and in one instance can facts sustain such charges. These charges generally emanate from the pale pink parlor bolsheviks and from the mouths of the friends of the radicals. Only the ununiformed, illiterate, of the real friend of the radical could ever conceive such an idea.

A request has been made of the Committee for the Department of Justice to submit the instructions and reports of HERMAN BERNHARD whom counsel for Mr. Post states was an ~~under~~cover agent of the Department of Justice in becoming recording secretary of the Communist Party local at Buffalo, N.Y., and in securing adherents to the Communist Party at Buffalo.

I desire to advise the Committee that Mr. Herman Bernhard was appointed as a special agent and not as a confidential informant of the Department of Justice on January 20, 1920, twenty days after the raids on January 2nd. His employment by the Department of Justice in January 1920 was his first employment in the service of our department. Prior to that by the Lusk committee and what his work was with that organization is entirely unknown to this department. It is sufficient to state that Mr. Bernhard is not a confidential employee and has at no time while employed in the service of the Department of Justice been an officer in or agitator for the Communist party.

The attorney for Mr. Post in the letter to the Committee of May 13, 1920 desires that the Department of Justice furnish the instructions and reports of one CAMERON representing the Department in attending the meetings of the Communist Labor Party at Chicago, August 30, to Sept. 5, 1919. There is no employee special agent or confidential informant employed by the name of CAMERON in the service of the Department of Justice.

The CHARGE THAT LOUIS C. FRAINA WAS AN AGENT OF THE DEPARTMENT OF JUSTICE has been circulated quite frequently through the instrumentality of MR. MARTENS and his associates in this country and as I above stated

was openly charged by Swinburne Hale. I had ignored the charge that had previously been made which emanated probably from the Soviet Bureau in this country, due to the fact that I considered the source from whence it came, but when an attorney appearing in argument before another cabinet officer directly charged that Fraina was an agent of the Department of Justice, I deem it only proper that a denial be made of it. I also deem it proper that this committee know the facts in connection with the Louis C. Fraina case, which may prove illuminating to them and to the general public.

LOUIS C. FRAINA is an alien who was actively identified with the Left Wing movement in the Socialist Party prior to its crystallization in the Communist Party. Fraina was in a large measure responsible for the contents of the Manifesto of the Communist Party which had been ruled by the Secretary of Labor to be a document which advocates the overthrow of the Government of the United States by force or violence. Fraina actively engaged in the organization work of the Communist Party and was the secretary and editor of that organization.

There was in the employ of the Department of Justice during the months of September, October and November 1919, a confidential employee by the name [redacted] had come to the attention of the Department of Justice as being one well acquainted with Russian activities and had applied for a position with the Department in New York, claiming that he was intimate with SANTERI NUORTEVA and LUDWIG C.A.K. MARTENS and other persons actively identified with the Soviet movement. Desirous of ascertaining whether or not [redacted] could be of any value to the Department he was employed probationally for the time above stated and rendered reports containing information upon the movement of NUORTEVA MARTENS against the latter whom a deportation case is now pending before the Secretary of Labor. [redacted] work, however was not entirely satisfactory, in that he was obtaining no information of great value and he withdrew from the service in November 1919. Subsequent thereto, it was ascertained that at the same time he was in the employ of the Department of Justice, he had been in close communication with SANTERI NUORTEVA and had told NUORTEVA in order to be in his confidence that FRAINA was an agent of the Department of Justice. The reason for this statement can best be learned when one understands the intricacies of the communist movement in the United States. The COMMUNIST PARTY and the COMMUNIST LABOR PARTY are identical in principle and action, not according to my statement, but according to the statement of their own leaders, and the reason for the formation of two organizations was due to the differences of individuals in regard to leadership. The group composing the COMMUNIST PARTY had insisted that MARTENS should take his orders direct from the COMMUNIST PARTY in this country, rather than from Moscow, and it was of this group that Fraina was the leader and therefore openly antagonistic to Martens. The Communist Labor party, however, supported Martens' contention to the effect that he should take his orders from Moscow. It was desired on the part of Martens' Bureau to discredit Fraina in the Communist movement, as he was the principal opponent in regard to party discipline in this country. Nuorteva

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welcomed the statement that Fraina was an agent of the Department of Justice to such an extent that he saw fit to offer [redacted] \$1,000 to get certain papers from the Department of Justice, proving Fraina's connection therewith. He actually paid [redacted] 160 for which he expected to be reimbursed later by Martens. This man SANTERI NUORTEVA is the secretary to Martens, the so-called Bolshevik Ambassador. Then [redacted] reported the fact to Nuorteva that Fraina was an agent of the Department of Justice, Martens thought the matter was grave enough to be investigated, according to his own statement and threatened to send the charges to Moscow unless Fraina was able to disprove them. Reports rendered by [redacted] to the Department of Justice were later found out to have been reviewed by Nuorteva and [redacted] revealed to Nuorteva the names of certain representatives of the Department of Justice for his information.

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So serious were the charges considered by Nuorteva and Martens that in the city of Brooklyn a secret trial was held in 1919 at which the following persons were present to pass judgment upon the fact whether or not Fraina was an agent of the Department of Justice.

GREGORY WEINSTEIN
HARRY NOSOVITZKY
J. LOVESTONE
LUDWIG C. A. K. MARTENS
SANTERI NIORTREVIA

MR. ISAAC HOURVICH
HOUDIN
HARTMAN
BITTLEMAN

At this trial [redacted] and Fraima were subjected to examinations and Fraima apparently satisfactorily explained away the charges made by [redacted]. The Soviet Bureau headed by Martens has so persistently maintained that they were taking no interest or actively whatsoever in communistic affairs in this country, that I am unable to understand this statement, when I read the report of the meeting in Brooklyn, and find they were trying a member of the Communist Party of America as being a traitor to the communist cause. A portion of the same group who sat at this trial are now in the Lafayette Hotel of this city, awaiting the action of the Department of Labor upon the case of Martens. I might state that it was the intention of the Department of Justice to take Martens into custody when he completed his testimony before the Senate Committee as we would any other violator of the laws of the United States. I could not see why he should be handled differently from any other case, but the Assistant Secretary saw fit to have him brought to his office and turned over to the custody of his attorney, without any knowledge upon the part of any-one, saving him the humiliation of a public arrest.

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LOUIS C. FRAIMA today is somewhere in Europe. He, through some means, escaped from this country, with the connivance of some forces unknown to the Department of Justice; he attended the meeting of the Propaganda Bureau of the III International at Amsterdam, February 1920, and represented the communist groups in America at that conference. It might be interesting for the Committee to know a little more in detail concerning the propaganda meeting of the bureau in Amsterdam. I have the stenographic report taken of this meeting, together with their official Bulletin and it appears from their own

statements that they are determined upon the establishment of a communist commonwealth in the United States, centering its bureau in the western hemisphere in Mexico. I have also a copy of an article written by Fraima in the "Tribune" published in the Motherlands, entitled, "The American Revolution" and published under date of March 4, 1920, which is particularly illuminating as to the conditions in the United States and as to the purpose of Communist Parties in this country. The following statement appears in this amazing document.

"These great strikes were used by the Communist Party as a means for intensive revolutionary agitation. Leaflets were issued concerning the mine workers and steel workers strike and two million of these were distributed. Our agitation was particularly strong at Gary, the steel town that was governed by Major General Wood under martial law. Besides agitation in the workshops the communist party conducted a great propaganda in the factories, for the control of the workers in industry and a national campaign was begun for the raising of the blockade of Soviet Russia. Persecuted and slandered, kicked and beaten the Communist Party will pursue its agitators. Publicity if it can, secretly if it must."

This is a very brief statement upon the case of LOUIS C. FRAIMA. Fraima is desired by the state authorities of Illinois for prosecution under the State Syndicalism Law and I assume that he would be desired by the Department of Labor, if he ever returned to this country, for deportation most certainly so if they followed my recommendation. I have asked that the authorities of a foreign government in whose custody he now is to return him to the United States. I challenge any one to present scintilla of evidence to show that this individual was at any time in the employ of the Department of Justice or furnished it any information whatsoever. I might state in this connection that [redacted] became so agitated over the result of his falsehood that he was planning to leave this section of the country at the time of the hearing before the Senate Committee inquiring into Bolshevik propaganda and I requested Senator Moses chairman of the committee, to subpoena him to remain in this country, and said subpoena was issued. I assume that Senator Moses did not give the prolific press statements of the Soviet Bureau at the Lafayette Hotel sufficient credence to warrant the calling of [redacted] as a witness.

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CHARGE THAT THE DEPARTMENT OF JUSTICE WAS DESIROUS OF
CHANGING RULE 22 OF THE IMMIGRATION REGULATIONS
SO AS TO PREVENT ALIENS FROM HAVING COUNSEL.

The charge has been made that Rule 22 of the Immigration Regulations, which until December 29, 1919 had required aliens to be advised upon apprehension that they were entitled to counsel, was changed through the efforts of the Department of Justice, and that in so doing, certain Constitutional rights were violated.

It might be of interest to the Committee to know that the Immigration Regulations originally provided that aliens were only to be accorded counsel by the inspector at such stage in the proceedings as was deemed for the best interest to the United States.

This regulation was changed, I am informed, sometime in the latter part of 1918 or the first part of 1919, to read to the effect that aliens were to have counsel from the beginning of the proceedings. Instances beyond number came to the attention of the Immigration authorities, I am told, where the operation of the ruling resulted detrimentally to the interests of the United States. Many radical publications contained advice to the aliens to refuse to answer any and all questions upon apprehension. It is to be borne in mind that the Government must prove not only the unlawful activities of the alien, but must also prove his place of birth, the ship upon which he entered the United States, the port of entry, and the fact that he had never become a naturalized citizen subsequent to his entry. A number of these facts it is difficult to obtain unless the alien will testify to them.

The Government of the United States always stands ready to prove the unlawful activities of the alien but it is unreasonable to place upon the Government the burden of proving the ramifications of the individual after he entered the United States, insofar as his citizenship status is concerned. It is to be further noted that deportation is not a crime and that the proceedings are administrative in nature for the purpose of ascertaining whether or not the alien is within the class of persons who might properly remain in the United States.

The United States Supreme Court has held that the proceeding is not criminal in nature. In the case of Lou Wah Suey vs Bachus, 225 U.S. at pages 469-470, which were the proceedings brought under the deportation rules of the Immigration Act of February 20, 1907 the United States Supreme Court held that the fact that the alien was under examination before the inspection officer without counsel at first was within the authority of the statute, and as long as it had not denied the alien at a subsequent stage of the proceeding to have counsel there was nothing irregular in the proceeding. This case, incidentally, is cited by the Assistant Secretary

in his letter to me of March 30, 1920 in answer to the court in Montana that the alien was not permitted to have counsel at the outset of the hearing. My point is that the change in December, 1919, was not novel and that the rule authorized by Mr. Abercrombie was in accordance with the rulings of the Supreme Court and in accordance with the original regulations of the Immigration Service and it was for the purpose of obtaining the facts in the cases. A concrete example of the operation of rule 22 as it now stands was observed by the Committee on Immigration of the House of Representatives which visited Ellis Island in 1919, subsequent to the Union of Russian Workers raid, when for many days proceedings against the aliens held there were at a stand-still because the aliens refused to even respond to their names and refused to answer any questions, costing the Government a considerable expenditure of money; and this attitude could be traced directly to counsel for the aliens. It is to be noted further that the warrant of arrest and the hearing subsequently accorded is for the purpose of enabling the alien to show cause why he should not be deported and not for the purpose of the Government showing cause why he should be deported.

Irrespective of the foregoing, when the raids of January 2d, were made, the Immigration rule stood to the effect that the alien was not to have counsel until such stage of the proceeding as would be for the best interests of the United States. Therefore, the statements taken on the night of January 2nd were not taken in violation of rule 22, as it would be made to appear by the Assistant Secretary, but they were taken in strict compliance with that rule. The ruling was not changed until January 27th 1920, twenty-six days after the arrests had been made, and by which time all examinations had been completed. The ruling as it stood on January 2d, was based upon a ruling of the United States Supreme Court.

I have a memorandum dealing with this matter which may be of interest for the Committee to read.

Before passing it is worthy of note that the Immigration rules do not permit an alien entering the country to have counsel, and I submit to the Committee that if there is any time in the immigration proceedings when an alien needs counsel more, it is when he arrives at Ellis Island without knowledge of our laws and without any knowledge whatsoever of the procedure. The alien on this occasion is permitted to have only his next friend, who it is specifically provided, shall not be a lawyer. After the alien has been admitted and has lived in the United States for periods of three, four, five and yes even ten and fifteen years, it seems to me that he should not be given the privilege over the ignorant immigrant who has entered the country and who is being inspected at the Island. My point is that there is little or no consistency in these rulings.

It is submitted that the time when an alien derives the most benefit from counsel is when he applies for admission, not after he is admitted. In any event, as was held in the *Turner v Williams* case (194-U.S., 279), his rights are no greater under the expelling features than they would be under the excluding provisions.

The prime and all the pervading object of these hearings is to elicit the facts, and, it is submitted, the presence of counsel does not aid in this direction, rather such presence tends otherwise.

Mr. Post makes a point (page 179) that "they were not advised of their right to refuse to answer." Upon what premise does Mr. Post base such a right? The Supreme Court, in the *Sing Tuck* case (194-U.S.-161), speaking through Mr. Justice Holmes, held that:

"The whole scheme is intended to give as fair a chance to prove a right to enter the country as the necessarily summary character of the proceedings will permit.*** Now, when these Chinese, having that opportunity saw fit to refuse it, we think an additional reason was given for not allowing a habeas corpus at that stage.*** They were offered a way to prove their alleged citizenship and be set at large, which would be sufficient for most people who had a case and which would relieve the courts. If they saw fit to refuse that way, they properly were held down strictly to their technical rights."

This case, it will be noted, arose through an alien refusing to testify in a Chinese exclusion proceeding, characterized by the Courts as a quasi-civil proceeding where the rules of evidence apply, hence affording the alien much greater latitude than is allowed in administrative proceedings. The hearing, as has been held under the decision of the Supreme Court, is designed solely to afford the alien "an opportunity to show cause" why he shall not be deported. If he elects to stand mute then he has failed to show cause; and a prima facia case having been made before the warrant of arrest if issued, a case is made out and deportation should follow in such cases as a matter of course.

It is submitted that Mr. Post's position in this regard is untenable, and his reasoning specious.

Mr. Post, before the Committee, made the statement to the effect that as the aliens had no redress in the courts that "we ought to be all the more careful to protect their rights." Such a statement is wholly erroneous, for the aliens do have redress in the courts of the United States, as has been plainly shown in many cases. As for example the Emma Goldman and Alexander Berkman cases. So numerous are their appeals to the courts that it requires the entire time of one Assistant United States Attorney in the city of New York alone to handle the cases arising from Ellis Island.

CHARGE THAT AN EFFORT HAS BEEN MADE TO DEPORT
ALIENS REGARDLESS OF THEIR GUILT.

Mr. Post said that efforts had been made to get aliens out of the country, regardless of their guilt.

I know of no case where an effort has ever been made by the Department of Justice to deport aliens when they did not fall within the spirit and the letter of the Act of October 16, 1918, but I have persistently insisted that this act be administered in accordance with its language and with the reasonable construction thereof intended by the Congress of the United States. To be sure in simultaneous arrests of a large number, there are always to be found a few cases when the evidence is not sufficient to convict or to warrant the charge and in all such cases the Department of Justice was willing that the warrants of arrest should be cancelled. This is evidence by the action of the Boston office of the Bureau of Investigation when it concurred with the immigration inspector at that port for the cancellation of thirty-eight warrants. There has not been an attitude on the part of any officers of the Department of Justice to insist on deportation merely because an arrest had been made, but when an arrest had been made and membership established in an unlawful organization they have insisted that deportation be carried out.

CHARGE THAT THE DEPARTMENT OF JUSTICE HAS RESORTED
TO POLICE INQUISITIONS TO FORCE MEN TO MAKE
ADMISSIONS OF GUILT.

Mr. Post has said that the Department of Justice had resorted to police inquisitions by forcing men to make admissions of guilt. I challenge Mr. Post to prove a single case of police inquisition invoked by the Department of Justice. The arrests that were made on the night of January 2d were made in large numbers and examinations were immediately had and counsel was not accorded in compliance with Rule 22 of the Immigration Laws which on December 30, 1919, was changed to provide that the alien was to be entitled to counsel after preliminary examination had been made. I recall but three instances in which the Assistant Secretary of Labor has called to my attention the fact that the alien in the testimony before the immigration inspector claimed that he had been subjected to duress during examination by agents of the Department of Justice. Three cases only out of

3,000; and, it might be stated that I replied to the Assistant Secretary in these cases and inquired of him as to whether or not the aliens making the allegations against the Department of Justice had been required to corroborate such allegations by other persons present, by identifying the agent who is alleged to have committed the act and whether the agent of the Department of Justice was called to affirm or deny the charge preferred against him, I have never been informed as to whether or not those three elements were observed. It occurs to me that when a person makes a serious charge that he should be required to substantiate the same by corroborating testimony or by identification of the agent and certainly the man charged with such an act should be given an opportunity of making his statement, but such was not accorded in the immigration hearings.

To be sure we have read generally in the radically inclined magazines and papers in this country that great brutality was resorted to but a sample of the falsity of these charges is to be found in the case of OSCAR TYVIROWSKY. It might be illuminating for the Committee to know the facts in this case. I have the detailed report rendered upon the Tyverowsky case, which should be made a part of this record. Briefly, Tyverowsky was arrested in January 1920, and brought to the New York Office of the Bureau of Investigation for examination. It was alleged by a newspaper reporter that Tyverowsky was kicked and beaten and otherwise maltreated. Investigation made by a representative of my office, in no way connected with the New York Office of the Bureau of Investigation, reveals the fact that the reporter making the report in addition to being generally discredited by his co-workers in the newspaper world had not been in the room during the examination of Tyverowsky and that five of the other reporters present on the occasion, some of whom were in the room during the examination of Tyverowsky, have made sworn statements that he was not mistreated in any manner whatsoever. There gentlemen of the press have had no occasion to make false affidavits. The falsity of the Tyverowsky charge is typical of the falsehoods prevailing in other cases. No alien has presented to the Department of Justice a single charge that has not been thoroughly investigated impartially and the falsity of the same proven. I might state that the only charges of brutality brought to the attention of the Department were the charges in the Tyverowsky case. It seems to me that if brutality had been resorted to in wholesale measures that it is the duty and function of the attorneys for the aliens and of the aliens themselves to bring the same to my attention, but such has not been done, other than the generalities indulged in by the uninformed.

These aliens are not subjected to a police inquisition while imprisoned, nor in fact imprisoned. In the New Jersey

District, which is fairly representative of the general procedure, immediately upon their being taken into custody they were examined (in the presence of an Immigrant Inspector and through an Immigrant interpreter). In no instance was violence used towards an alien in that district, nor were the statements in that district taken under duress of any character. The questions and answers were recorded stenographically. As is well settled, these are strictly administrative proceedings and the rules of evidence do not apply, as regards imprisonment, even the detention of the alien at the Immigration Detention Quarters between the time of his arrest and the determination of the status of the alien by the Secretary, that detention does not constitute imprisonment, nor even deprivation of liberty without "due process" of law.

In the case of Turner vs Williams (194-U.S.-289) page 291:

"Detention or temporary confinement as part of the means necessary to give effect to the exclusion or expulsion was held valid****"

Mr. Post frequently used the word "guilty". It is submitted that there is no question of guilt in these proceedings. That word implies a crime under a criminal statute. There arises a pure question of fact as to whether an alien is or is not subject to deportation. The hearing, as has been pointed out is designed not to try out the issues, as is done in an action at law, or to determine the guilt of the alien, as there is no question of crime involved. The hearing is designed simply to afford the alien an opportunity to show cause, in his own behalf, why he shall not be deported.

Mr. Post makes frequent use of the expression "conspiracy" an alien's conspiring against the law. No question of conspiracy is involved in these cases, and if there were, they would be subject to criminal prosecution and none of them have been prosecuted under the criminal section of the Penal Code.

Mr. Post refers to the effect of these administrative proceedings upon an innocent individual, who is found to be guilty. There is no question of finding innocent individuals guilty of conspiracy, nor even those who are not innocent, as none of them had been subjected to prosecution under that heading but as aliens who had become members of or were affiliated with prescribed organizations.

When the time limit within which an alien could be deported was removed in these cases, Congress must have appreciated the situation that would arise when an alien has a long residence in the United States, would have a family, and in many instances native born children. It made no provision for them and the correction of this situation is with Congress and not with the Executive branch.

CHARGE THAT TWO SALARIED MEN HAVE BEEN INSTRUMENTAL
IN AIDING THE HYSTERIA OVER RED RADICALISM.

The assistant Secretary of Labor, I believe, stated to the Committee that a considerable amount of the hysteria in the country over Radicalism had been caused by what he terms "two salaried men" and I believe that the inference which can reasonably be drawn from his remarks is to the effect that there is in the Department of Justice some of the so-called "two salaried men" though the direct statement was not made.

I can emphatically state, that there has never been employee in the Department of Justice, during my administration any person who would fall in the category named by the Assistant Secretary. The gentlemen of the press have frequently called at the Department of Justice for information and have had free access to the same and statements appearing in the press have been statements drawn by the representatives of the press from notual documents seen and examined. When pressed for an instance of the character named, the Assistant Secretary seemed to be at a loss to specifically name an individual. However, I assume that this Committee is well cognizant of the fact that the secretary to the Assistant Secretary of Labor might be termed a two salaried man in that he not only performs the duties of the secretary to the Assistant Secretary, but that he also occupies the position of an editor of a magazine entitled "The Knot-hole", which according to its own statements is "Conceived in sin and brought forth in Washington", and the pages of which seem to be dedicated to slanderous attacks upon members of both houses of Congress, members of the Cabinet and other public servants.

CONDITIONS EXISTING IN THE CITY OF DETROIT
FOLLOWING THE ARRESTS MADE IN JANUARY, 1920

Through a well-planned and diligently-carried-out propaganda the radicals and their sympathizers have drawn particular attention to the conditions existing in the City of Detroit, resulting from the arrests made in that city on the night of January 2, 1920.

It might be well for this Committee to know some of the facts pertaining to the conditions in this city, in order that they may draw their conclusion as to whether or not the propaganda that has been formulated is sincere or false

On the night of January second, twenty-eight halls and meeting places of the COMMUNIST PARTY were raided and several hundred aliens taken into custody. These persons were taken to the federal building and cared for on the fourth floor of that building. The reason that they were not taken to the police stations or to the county jail was due to the fact that there were crowded conditions in these places. The federal building was warm and comfortable and the fourth floor, where the aliens were cared for, was well lighted and well ventilated. There were toilet facilities on the fourth floor and there was not a single complaint made by any alien detained there as to the eating, sleeping or similar conditions in the federal building. It is of interest to note that the complaints were made by the sympathizers of the radicals and a few misinformed but apparently well-intentioned persons who were misled through the statements of MISS HELEN TODD of New York City

The relatives of the aliens were permitted to visit the persons detained in the federal building and brought quantities of food to them. Arrangements had already been made for the feeding of these individuals, but there was no objection made by the authorities to the relatives' bringing delicacies to the aliens detained. It is to be noted that when the aliens were removed from the federal building large quantities of food were left which had been supplied by the relatives. As soon as the aliens were removed from the federal building the examinations started and the agents of the Department of Justice worked for eighteen hours daily until these examinations were completed.

The last examination was completed at 12:10 midnight on January 7, 1920. Upon the completion of the examination the aliens were transferred to the local police stations, from which other prisoners had been removed, in order to provide adequate accommodations for the aliens arrested.

It appears that the statements made by Miss Helen Todd of New York City in respect to brutality used by the agents of the Department of Justice in Detroit were based entirely upon hearsay. She made no attempt to verify any of these statements at the bureau office at Detroit or at any other office. She came to Detroit for the express purpose of assembling a group of women in that city to protest against the actions of the government in the arrest and deportation of dangerous aliens. She was successful in securing the assistance and cooperation of many of the parlor bolshevists and these women in turn were successful in securing almost unlimited amount of space in the Daily Press in Detroit. Some of the women, however, who associated themselves with her in the beginning have since ascertained the real truth concerning the fact that the government is doing all possible to speed up the deportation of these aliens who should be deported and to alleviate any suffering upon the part of the women and children of the aliens, and these women are no longer associated with Miss Helen Todd's so-called committee.

One instance of note is a statement which appeared in the "Public Press" in Detroit from WALTER A. NELSON, an attorney in Detroit whose entire business is the defense of government prisoners, that the wife of one man held in Fort Wayne said she had been unable to locate her husband for ten days. This statement is absolutely untrue, for at the conclusion of the examinations of the men in the federal building an alphabetical list was made of all the men held and an order issued that the wives, families and friends of these men should be allowed to see them at the police stations where they were held. Any inquiries at the bureau office at Detroit relative to the location of aliens were immediately furnished with the desired information. The difficulty experienced in locating the various aliens by their families appears to have been caused by the fact that several aliens have assumed names when taken into custody, thus it was impossible for their families to locate them.

Another instance similar to the statement made by Mr. Nelson was that attributed to Attorney HARRY L. DIEHL, who stated that one of the aliens found his wife all alone dying from pneumonia when he was finally released. When Mr. Diehl was interviewed by a representative of the Department of Justice, Mr. Diehl informed the agent that he did not know the name of the alien and that the incident had been told to him by someone whose name he could not remember. This case is an instance of the "flimsy" foundation of many of the rumors concerning the conditions in Detroit.

There appeared in the "Detroit News" under date of February 21, 1920, an article entitled "Women Plead of Hardships", in which reference is made to the case of MRS. FRANCIS BUKOVITSKY, the wife of ALEXANDER BUKOVITSKY. Bukovitsky is one of the dangerous organizers of the UNION OF RUSSIAN WORKERS and has been ordered to be reported by the Department of Labor, but is at present at large, having been released without bond. It might be of interest for this Committee to know that while detained at the Wayne County Jail Bukovitsky stated to another inmate in that jail that "he was an anarchist and proud of it, and that there was going to be a revolution in the United States and that there would be no more laws in this country as the 'big fellow' would all be put in prison or put to death." He further stated that someone would kill Attorney General PALMER and that it was a shame that the fellow who shot Attorney CONTENT did not kill him, but that "we anarchists will get him later". He stated that he had been offered a parole but that he would not accept it, as the government wanted him to sign certain papers which would compel him to observe the passes. He stated that should he get out on parole he would leave the city and travel from town to town, making speeches and organizing for the revolutionists. This is a type of the alien who is permitted to walk the streets in Detroit at the present time, though there is a clear case in the estimation of the Department of Justice established against this pernicious anarchist. So, we see that when the charges have been analyzed there are few, if any, facts to substantiate the statements made by the radicals and their sympathizers.

The conditions existing at Fort Wayne where the aliens were detained pending the hearings by the immigration inspectors have also been criticized, but an inquiry into the statements made concerning these conditions shows that none of the aliens at Fort Wayne have to their own volition complained of the treatment or conditions in prison, but that the complaint which have been made have been due to the inspiration of certain interested persons on the outside. Passes to Fort Wayne were issued very freely by the immigration authorities. Aliens themselves when released on bail were given passes to visit Fort Wayne where they abuse^d the privilege by constant agitation and attempts to stir up trouble amongst those in custody. It is not claimed that everything was ideal, for confinement of any sort is not ideal, but it is asserted that there was no brutality or unnecessary harshness tolerated towards the prisoners themselves or their relatives who were allowed to visit them freely. The food was provided by one of the first-class hotels of the city and members of their families brought other food to the prisoners. The best summing up of the situation is that which was made voluntarily by BENJAMIN REPSYS, who was confined at Fort Wayne for a few days and afterwards released on bail. He stated that the conditions at the federal building and at Fort Wayne were far better than those at the police stations; that the food was very good, but that it would have been hard to provide just exactly the kind of food that the men of different nationalities were accustomed to use and that most of the complaints came from the Russians who were kicking about something all the time at Fort Wayne.

In regard to the charge that the families of the aliens in Detroit were not properly cared for, it can be stated that as soon as the arrests were made special attention was given to the families of the aliens who had dependents. Mr. BRONDYKE, who has been in charge of the Division Barracks at Fort Wayne, states that there has been absolutely no complaint made to him by any alien held in Fort Wayne regarding needy families; that a board of commerce investigators has been at the fort daily in an attempt to secure from the aliens information concerning any needs of their families; that the aliens have told the investigator that they did not need any help and have absolutely refused to give any information which would bring any assistance to anyone from any charitable organization.

In closing upon the particular conditions in Detroit, reference should be made to the Committee appointed by the Assistant Secretary of Labor consisting of four private citizens of Detroit into whose custody the radicals held at Fort Wayne are being paroled. The inspector in charge of the local immigration service at Detroit has received instructions from the Assistant Secretary to turn over the official record of all men still confined to the Citizens Committee for their examination, so that they may determine who and how many of these aliens should be paroled. It is further understood that this committee has been given the authority to have in their possession the official records of the cases of aliens who have been ordered deported and that where this Committee deems it advisable the Assistant Secre-

tary will reopen those cases and cancel the deportation orders already issued. An evidence of this is shown in the case of a number of aliens ordered deported who were transferred from Detroit to Ellis Island and whose cases upon their arrival at Ellis Island have been reopened upon recommendation of the so-called citizens committee - a committee which has no status so far as I have been able to determine under the immigration laws and which has superseded the functions of the immigration inspector at Detroit. It is worthy to note that the official records of the aliens held at Fort Wayne were removed from the office of the immigration inspector in charge and taken by this "Citizens Committee" and examined in private offices. One of the individuals released, after ordered deported, without bond of any sort was ALEXANDER BUKOVITSKY, previously mentioned, and who, while being held, made threats against the government of the United States and against officers thereof. Likewise AUGUST HERRMANN, another alien released without bond, after being ordered to be deported, stated while in custody that "all of the government officers would either be put to death or exiled when the revolution came". These are samples of the type of individuals being released after ordered to be deported, without being required to furnish bond of any sort. Other cases could be named to the Committee, but I believe that the above is sufficient for the Committee to draw its own conclusion as to the irregular, if not illegal, practices being followed by the Assistant Secretary of Labor in dealing with the cases of alien radicals in the city of Detroit.

CHARGE THAT AGENTS OF THE DEPARTMENT OF JUSTICE
 COMMITTED FORGERY IN ATTACHING WITHOUT ^{authority}
 ALIEN'S
 SIGNATURE TO THE SUPPOSED EXAMINATION.

Mr. Ralston, attorney for Mr. Post, has made the charge that the agents of the Department of Justice had committed forgery in attaching without authority the alien's signature to the supposed examination. This is another of the many instances of misstatement of fact conceived in a fertile imagination. I challenge Mr. Ralston or anybody else to substantiate this statement and I ask that the Committee require that it be either proved or withdrawn. I have made inquiry amongst all the agents of the Department of Justice and my reports indicate that no statements were ever obtained from aliens in any manner which could amount to duress or sharp practice. It goes without saying that if I discovered any agent had signed an alien's name to a statement without authority, such agent would not only be promptly dismissed but prosecuted for his offense. It is the duty of Mr. Ralston, instead of attempting to blemish the entire Department of Justice by accusations of this character, to produce his evidence against the individual or individuals whom he charges with crime.

Of a similar character is the charge made by Mr. Ralston that "we have sunk to the level of the police government under the Czar of Russia" and that such is the view of his client, Mr. Post. I shall not dignify such a charge with any answer. The Department of Justice is charged with the enforcement of the law and in this, as in other matters, the Department has endeavored to enforce the law without fear or favor, without passion or prejudice, regardless of the persons involved, giving to every man all the rights that he is entitled to under the Constitution and the law. To compare the system of the administration of justice in the United States with that prevailing under the Czar of Russia, is a wild exaggeration amounting to a deliberate falsehood quite unworthy of any man who himself professes to be a member of the legal profession.

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Charge that men have been arrested at their homes at mid-night and at 3 o'clock in the morning and that searches of their premises have been made without warrant.

In the letter of the Chairman of the Committee, Mr. Post is alleged to have made the statement that men were arrested at midnight and taken out of their beds without warrants and their homes and their houses searched without warrants -- not by the Department of Labor. He further stated that he did not undertake to say by whom but that it was a fact. I wish that the Assistant Secretary of Labor would endeavor to be more specific in his statements and be more definite in charges which are so general in nature. I do not maintain that in nation-wide arrests there are not certain instances which occur in which persons may be taken into custody without warrants, but such have in no sense been general. Warrants of arrest for the aliens taken into custody on the night of January second were obtained in advance where membership in the organization of individuals had been established by a previous investigation. In round numbers there were approximately 3,000 warrants issued before the arrests were made. The majority of arrests made on the night of January second were made at meeting places of the organizations and the few arrests that were made at the homes of aliens were not made in the melodramatic manner which the Assistant Secretary of Labor is prone to picture. Where the aliens were assembled at their meeting places and an actual meeting of the Communist Party was in progress the agents of the Department of Justice did take into custody all aliens attending that meeting. It is quite likely that warrants had not been obtained for all such persons but it is sufficient it seems to me that when an alien is apprehended in the commission of the unlawful act that the action of the government officer taking him into custody is warranted. Certainly it could be claimed that if the government officers had visited a meeting place and had permitted aliens found there for whom warrants had not been previously obtained to depart that they had been derelict in their duty. It is the same situation that is faced by a police officer when he witnesses the commission of a misdemeanor or of a crime. Certainly it is not claimed that the officer should return to the station house and obtain a warrant for the person committing the act, for, if such were to be the case, when the officer returned to serve the warrant the miscreant would have disappeared and could not be found.

It would be thought from the expressions of Mr. Post regarding wholesale arrests, that the action of the agents of the Department of Justice in taking into custody some aliens before the issuance of the warrants, was without precedent, but Mr. Post overlooked the fact that that method of procedure is quite general in his own Department. On the Mexican and Canadian borders hundreds of aliens have been taken into custody without warrants of arrest.

This Department did earnestly strive before requesting the institution of deportation proceedings in the radical cases to obtain its evidence, and ascertain the name and address of the members whose arrest it sought to consummate. In the cases of those apprehended without warrants, it was the exception rather than the rule to make the arrest. Large batches of warrants were issued and served. The aliens who were taken into custody without warrants, in the majority of cases, were found in the meeting places of the radical organizations, which is at least prima facie evidence of affiliation therewith. Many of them had membership cards in their possession or stated on questioning that they were members.

The warrants were handed to the agents of the Department of Justice for service, and in most instances these agents were accompanied by Immigrant Inspectors. These inspectors have as much latitude in effecting the apprehension of radicals as classes of aliens found in the United States in violation of the Immigration Law (particularly those given surreptitious entry into the United States at points on the Canadian and Mexican Borders). No one would seriously contend that when an inspector finds such an alien that he should permit the alien to proceed to the interior of the country pending the receipt of a warrant of arrest from the Secretary of Labor in Washington. There have been instances of wholesale raids made by the Inspectors of the Immigration Service in restricted ("red light") districts where numerous alien women of ill fame have been taken into custody without warrants of arrest. Chinese aliens are frequently arrested without warrants and subsequently deported under the immigration law rather than the Chinese Exclusion Acts.

I might state that in the letter of instructions issued to the agents of the Department of Justice, which will be made a part of the records of this Committee in connection with the charge that agents of the Department of Justice have engaged in provocateur work, the agents were instructed to obtain search warrants wherever necessary. It has been claimed that the words "wherever necessary" meant that they should only obtain them where they could not get by without them. Such language was not used. It meant that when there was no public meeting being held into which the agents of the Department of Justice might have

access that they should obtain search warrants to permit their entry and in many places search warrants were obtained where it was necessary. The Assistant Secretary of Labor has laid great stress upon the applicability of the SILVERTHORNE case and the JACKSON case. The Silverthorne case was a case arising in New York City and was appealed to the United States Supreme Court and involved the taking of certain papers belonging to the Silverthorne Lumber Company without warrant and the court held that papers so taken could not be used against an American citizen in a criminal charge. The Jackson case arose in Montana and was the case of an alien arrested on a warrant of deportation, in which certain evidence was obtained without search warrant and the court held that such evidence could not be properly used against the alien. Upon these two cases the Assistant Secretary has ruled out considerable evidence obtained by the Department of Justice on the night of January 2nd, with the result that warrants in these cases have been cancelled. It is worthy to note in this connection, however, that a communication was received from the Assistant Secretary of Labor under date of March 30, 1920, in which he requested the Department of Justice to appeal the Jackson case, because, as he pointed out he felt that the court in the Jackson case had erroneously based its decision upon the Silverthorne case. The Assistant Secretary took pains to point out that the Silverthorne case dealt with criminal proceedings, while the Jackson case was purely administrative, and pointed out the case of Fong Yue Ting v. United States, 149 U.S., at page 730, in which the United States Supreme Court held that the provisions of the Constitution securing the right of trial by jury and prohibiting unreasonable searches and seizures, cruel and unusual punishment, have no application in deportation proceedings. In view of this attitude of the Assistant Secretary of Labor to the effect that he considered the Silverthorne case inapplicable in deportation proceedings, I am somewhat at a loss to understand his application of that case to the hundreds of cases of persons arrested on the night of January 2nd and in which he has seen fit to cancel warrants. The letter of the Assistant Secretary to the Department of Justice should be made a part of the record.

It can thus be seen that in the case of Fong Yue Ting, the United States Supreme Court, has intimated what its attitude would be upon this question and in my opinion and in the opinion of the Assistant Secretary of Labor, I believe, if his letter of March 30, 1920 stands for anything, that the Silverthorne case is wholly inapplicable and that the Jackson case is erroneously decided. Also considerable comment has been made before this Committee upon the case of Whitfield v. Hanges, and I believe the Assistant Secretary has intimated that he would stand or fall upon this case. I shall later discuss the

merits of the argument in the Whitfield case. It is to be borne in mind that this case did not go to the United States Supreme Court, and it is also to be borne in mind that many of the questions passed upon in the Whitfield case have been passed upon by the Supreme Court and passed upon contrary to the idea of the presiding judges in the Whitfield case. The ruling in the Fong Yue Ting case should have governed in the Whitfield case.

Considerable comment has arisen over the methods followed in the Boston district in effecting the arrest of alien communists. In no instance was any search of premises made over the protest of the person involved. At the first protest meeting after the January raids held in Boston February 23, 1920 it was openly stated by the Communists that the Department of Justice men acted the part of gentlemen and treated the aliens with every consideration. Frequent mention has been made by Judge Anderson of the Red hysteria but if one may judge from his instructions to the U. S. Marshal the Judge did not possess such peace of mind as he was prone to profess for he instructed the Marshal to use extra precautions and exercise extraordinary vigilance and protective measures during the habeas corpus proceedings in his court.

M E M O R A N D U M . (Martens Case)

Mr. Post has refused the Department of Justice the permission to question Mr. Martens, the so-called Bolshevik Ambassador.

The Department of Justice gathered together and carried out the various investigations made into the activities of LUDWIG C. A. K. MARTENS, representative of the Soviet government in the United States. After the evidence had been gathered a detailed brief was submitted to the Department of Labor and on January 2, 1920, a warrant was issued by the Acting Secretary of Labor, Mr. Abercrombie, for the arrest of Martens, charging him with being a member of an organization which advocated the overthrow of the government of the United States by force and violence. There is attached hereto a copy of the brief prepared upon Martens, together with a letter subsequently received after the preparation of this brief, which clearly shows Martens' connection with the communistic movement in the United States. This letter was written by RUTGERS, the head of the propaganda bureau of the Communist International and is addressed to Martens as "Comrade Martens". The letter in itself is most damaging to Mr. Martens' right to remain in the United States whether as an individual or as a representative of a government which claims for itself the right of recognition by this government.

Bond was fixed for the release of Martens at \$10,000 by Mr. Abercrombie. The United States Senate appointed a committee to inquire into the activities of Martens and his associates in the United States and out of deference to the wishes of that committee the service of the warrant upon Martens was postponed until the Committee could complete its inquiry. When the inquiry was completed, the Assistant Secretary of Labor, Mr. Post, had called in the warrant and had cancelled the bail in the case, doing so without first communicating with the Department of Justice, or advising it of his action. Martens was called to the office of the Assistant Secretary and turned over to the custody of his attorney by Mr. Post, without bond, though he was well able to furnish the same, and the evidence submitted warranted not less than \$10,000 bond.

At the first hearing before the Assistant Secretary, Mr. Post used the following language:

"The Attorney General will be represented. Any questions they wish to ask of any witnesses, you will conduct. You will take the questions from them and ask them."

The Assistant Secretary was speaking to the immigration inspector and by his ruling the Attorney General would be permitted to be present, but any questions desired to be asked by the Department of Justice could not be asked direct but must be asked through the inspector, though counsel for the alien was to be permitted to ask questions direct of witnesses and cross-examine government witnesses. On April 19, 1920, a request was made of the Commissioner-General for permission to ask questions direct of Mr. Martens, basing the request upon the fact that to ask them through a third source would prove decidedly unsatisfactory and detrimental to the interests of the Government in obtaining the information desired. On April 21, 1920, the Assistant Secretary, Mr. Post, replied to the effect that the previous instructions given by him would be followed and that to do otherwise would be to depart from the established practice and the law and would also reflect upon the integrity of the inspector conducting the case. The Department of Justice replied to this communication on the 22nd of April, stating that there was no thought of reflecting upon the integrity of Inspector Schell but that the sole purpose for requesting the right to ask questions direct was that in a cross-examination if questions must be asked through a third party the witnesses may oftentimes construct his answers in such manner as to evade the real purpose of the question. On the 30th of April the Assistant Secretary replied to this communication stating that the inspector was to conduct the hearing in the usual manner and as the interpretation of the word "conduct" was plainly set forth in the Assistant Secretary's letter of the 21st of April, the same con-

struction was in effect, namely, that the Department of Justice could be present but could ask no questions direct. It is of interest to note that there was drafted for the Assistant Secretary's signature a letter requesting the Attorney General to give his opinion as to the legality of permitting representatives of the Department of Justice to ask questions direct. This letter was prepared by the immigration bureau, but the Assistant Secretary refused to sign that letter, asking the Attorney General for the legal opinion. He did not consult the Solicitor of the Department of Labor or any law officers thereof in coming to his conclusion which precluded the Department of Justice from participating in the hearing.

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I am here in response to a letter from the distinguished Chairman of your Committee, which is as follows:

"May 11th, 1920.

"Hon. A. Mitchell Palmer,
Attorney General of the United States,
Washington, D. C.

209264

"My dear Mr. Attorney General:

"During the hearings on the resolution affecting Mr. Post, the Assistant Secretary of Labor, much has been said with respect to the manner in which the Department of Justice is conducting affairs touching alien enemies and the Reds. So much has been said that I do not feel like suggesting that the hearings be closed without giving you an opportunity to be heard, either in person or by a representative of the Department. Charges have been made reflecting upon you personally as well as upon the Department.

"For your convenience and information I quote from the statement of Mr. Balston, Attorney of Mr. Post, on Friday, April 30th, 1920:

"The Chairman: Mr. Balston, now what do you mean by saying that the agents of the Department of Justice were stirring up this trouble?

"Mr. Balston - I mean exactly that, if you please.

"The Chairman - Stirring up what trouble?

"Mr. Balston - Stirring the people, and creating Communist branches.

"The Chairman - Agents?

"Mr. Balston - Yes sir.

"Mr. Rodenber - Do I understand you to say that the agents of the Department of Justice are engaged in creating Communist parties?

"Mr. Balston - Exactly that way.

"Mr. Rodenber - In what way?

"Mr. Balston - They are charged with obtaining the confidence of the Communists; they are charged with that duty, of going to their places and organizing branches of the Communist Parties and reporting the membership of the organizations that were formed to the Department.

"Mr. Rodenber - Agents of the Department of Justice organizing branches of the Communist Party?

"Mr. Balston - Exactly.

"Mr. Rodenber - I would see a justification for an agent of the Department of Justice becoming connected with the alien for the purpose of finding out what they were doing, but if the statement of Mr. Balston is true that the agents have gone out and organised branches of the Communist Party, and by reason of their superior knowledge had induced others to join, I say it is reprehensible in the extreme.

"Mr. Balston - We expect to be able to show it absolutely.

"Mr. Balston - I don't know why this Red agitation goes on. I don't know whose ambition is served by its being kept up, but there are instances, and minor instances, if you please, of the

way in which this country has been terrified. The result of all these thousands of bogus and good faith arrests - the vast majority being bogus - all over the country, the result of this taking place was that the Bureau of Immigration was overwhelmed with the cases that came before it, many of them containing examinations or supposed examinations of witnesses of the accused; and in cases which we will show to the Committee if we have the opportunity, where some agent apparently of the Department of Justice had absolutely committed forgery in attaching without authority the alien's signature to the supposed examination - absolute forgery, straight out - with all these cases before the Bureau of Immigration it was, if you please, as I said, overwhelmed, because there were not enough people to examine the cases.

"Mr. Balston - We have already sunk, Mr. Chairman, to the level of the police government that existed under the Czar of Russia. We cannot sink to a lower level than that.

"The Chairman - I would not permit that statement to stand without challenging it. We have not sunk into such a level as that Mr. Balston.

"Mr. Balston - Well, perhaps you and I have not, and the members of this committee I am sure have not, but the administration of justice in the treatment of aliens is on an exact par, if it is not below that of the administration of justice under the Czar of Russia, only within ten years.

"Mr. Box - I want to ask the gentleman if he is representing the views of his client when he speaks that way?

"Mr. Ralston - The views of my client as applied to the things that have happened within the past six months under the investigation of the Department of Justice.

"Mr. Post criticised severely the attitude of the Department of Justice in the treatment of aliens arrested as alleged radicals. Efforts had been made, he intimated, to get aliens out of the country regardless of their guilt. In raids last winter, he said, the Department of Justice had resorted to police inquisitions to force the men to make admissions of guilt. Excessive bail had also been demanded, he said, to keep men in jail when they had been arrested.

"In Mr. Post's statement, made on May 7th, was the following:

"Mr. Post - A good deal was said in public and otherwise about the tremendous danger that we are confronting; those men with bombs were preparing to kill right and left.

"The Chairman - In the course of the development of what?

"Mr. Post - In the course of the development of the newspaper publicity, the newspaper drive that was made to create a great terroristic scare in the country. --- But in all those sweeping raids over the country, in which men were arrested at midnight and taken out of their beds at three o'clock in the morning in their houses, without warrant, in which their houses and their persons were searched without warrant - not by the Department of Labor, I do not undertake to say by whom,

but that is the fact. When were the people afterward brought to us, great raids made upon meetings and men rounded up and taken to the police stations and a large proportion of them discharged before morning because they could not have anything against them. With all those swooping raids all over the country, there have been three pistols, I think it is, brought to our attention in the course of cases that have come to us. Three pistols, two of them .22 caliber. Now I do not know whether a .22 caliber is a homeopathic pill for a bullet or a cannon ball.

"I will add just one more extract from the statement of Mr. Balston, made on Friday, April 30th.

"Mr. Balston - But from the beginning to the end the Attorney General's office has projected itself into these affairs, has undertaken to run these things, having no legal right whatever in the premises; it has undertaken to dictate to the immigrant inspectors that some poor, friendless man should be put under a \$10,000.00 bail, and has kept up that procedure to this day. Now I am going a step further, and I do it with perhaps some hesitation. The Attorney General has demanded that any man whom he designates for deportation should be, because of that designation, without any delay, deported from the United States. To that extent he has gone in his absolute ignorance of American principles or of the rights of the citizens or of American law.

"These statements made by Mr. Post and his Attorney before the Rules Committee have been given very wide publicity. Newspapers have carried

them from one end of the country to the other. Should you desire at a public hearing before the committee to refute the charges that have been made, I shall be glad to arrange for such a hearing at your convenience.

"Yours very truly,

(Signed) "P. P. Campbell

"Chairman."

The statements of Louis F. Post, Assistant Secretary of Labor, and of Jackson H. Balston, Esquire, his attorney, as set out in this letter, constitute a serious reflection upon the official integrity of the Department of Justice and the Attorney General and certain charges of so sensational a character that, as your Chairman has said, they have been given wide circulation in the country. I pass by the obvious impropriety of an official of our Government of the standing of an Assistant Secretary of a great department making public accusations of this character against the head of another department without first having called them to his attention. That is the least part of Mr. Post's offense. The greater part lies in the fact, which my investigation has demonstrated beyond doubt, that these charges are outrageously false, without real foundation in fact, and designed only for the purpose of obstructing the administration of the law and of bringing into public disrepute the officials of the Government charged with law enforcement.

Of course, it is obvious that I cannot have personal knowledge of all the facts with reference to the conduct of the large body of agents and other subordinates of the Department of Justice in the work done under my general

supervision and direction. I accept responsibility for such conduct of my subordinates as is in line with the general instructions issued under my direction; as to conduct of the officers of the Department evidently outside of those instructions, I have caused a complete investigation to be made and it is upon the basis of such investigation that I declare these charges are outrageous and unconscionable falsehoods. I had hoped that it might never be necessary for me to indulge in any criticism of another officer of the Government and I would not do so now had Mr. Post not seen fit to publicly present, by himself and his attorney, these false and slanderous charges against me and the Department of which I am the head.

It has become perfectly apparent that Mr. Post's course in all the deportation proceedings has been dictated by his own personal view that the deportation law is wrong, rather than by any desire or intention to carry out the law as enacted by the Congress. By his self-willed and autocratic substitution of his mistakes personal viewpoint for the obligation of public law; by his habitually tender solicitude for social revolutionists and perverted sympathy for the criminal anarchists of the country, he has consistently deprived the people of their day in court in the enforcement of a law of vital importance to their peace and safety. By his wholesale jail deliveries and his release of even self-confessed anarchists of the worst type, he has utterly nullified the purpose of the Congress in passing the deportation statute and has set at large amongst the people the very public enemies whom it was the desire and intention of the Congress to be rid of. He has defied the rules of evidence as laid down by our most responsible courts, has canceled hundreds of legal warrants issued by his Department, entirely without justification and in face of the facts, has flouted the judgment of a committee

of the Senate which has investigated one of the cases before him, has shown constant favors to violators of the law and their attorneys, refusing even common courtesy to the Department of Justice, which is charged with the duty of enforcing the laws, and, in order to distract public attention from his obvious failure to perform his own duty, has showered upon the Department of Justice a mass of charges of misconduct in the hope that he could put this law enforcing department of the Government on the defensive in the place of these criminal enemies of the country from whose activities our Department has sought to protect the Government and the people.

In all this it is, of course, impossible to distinguish between his own charges and those made by Mr. Ralston, his attorney, who has been speaking for him, and from the other gross misrepresentation and abuse directed against the Department from radical circles, all of which has been inspired and supported by the two gentlemen I have named. Later on I shall take up all these charges one by one and answer them in detail, both as made by Post and his attorney and as published by other sympathizers of the alien "Reds", but it seems to me that it would be neither fair to this Committee nor just to my Department and the work which it has tried to do if I did not approach the matter with a more comprehensive purpose than the mere answering of these false charges. Therefore I propose, with your permission, to submit to you as briefly as the circumstances permit a review of the international revolutionary movement, with especial reference to its manifestations of force and violence in various countries, including our own; a description of its international character and its worldwide designs, and its growth and progress in this country when transplanted here by the agents and propagandists of revolution who have come from Europe for the purpose. Having done that, you will have the background,

as indeed you will see the justification, not only for the act of Congress which we have been trying to enforce but for the method adopted by the Department of Justice in its enforcement. Having done that, I shall answer these charges seriatim, placing at your disposal at the same time any and all officers and agents of the Department of Justice who have had to do with this work in order that you may make the fullest investigation into the truth of such statements I shall make. I shall desire also to submit to you, as a part of the entire case, statements of the activities of the so-called Radical Division of the Department of Justice, which will indicate what the Department has done during the past year or more and how it has been done in a way that has kept the peace and maintained the good order of the country to a degree that was hardly hoped for when the early forcible manifestations of the revolutionary spirit first appeared in this country in the spring and summer of 1919.

In a general way, the friends of the anarchists who have criticised the Department of Justice have sought to instill in the public mind several utterly false impressions: first, that there has been no "Red" menace in the country against which the Government ought to proceed; second, that the methods adopted by the Department of Justice have been highhanded and even unlawful and unconstitutional; and, third, that in the enforcement of this law and in its efforts to keep the peace in the country, the Department of Justice has attacked American labor. These things are so palpably false that I cannot believe they have obtained lodgment in the public mind to any wide extent. A year ago, or thereabouts, when the country was ringing with reports of actual violence directed against officials of the Government in many parts of the country, and on every hand appeared the unmistakable evidence of serious

plotting against our peace and safety by enemies of the Government, the public demand for prompt counter-action on the part of the Government was reflected in the action of the Congress in making generous appropriation to the Department of Justice to support the thorough reorganization of our Bureau of Investigation, which was then inaugurated, and to proceed with all the diligence and thoroughness necessary to cope with the apparent evil. I shall further enlarge upon the facts of the revolutionary design in this country in a way that must convince you that the fears of the Congress and of the public at that time were well founded. As to the methods adopted by the Department, as I have already indicated these will be discussed in answering the specific charges herefore referred to.

The other widely circulated idea to which I have referred, that the work of the Department of Justice has been aimed against American labor, is not only without the slightest merit or foundation, but directly contrary to the real truth. The fact is the criminal anarchist, the ultra-radical class war advocate, the revolutionary agent and propagandist, are the worst enemies of honest American labor. They have bitterly fought organized labor. They have sought in other countries to destroy it, and here their insidious attempts to undermine its strength have been responsible entirely for some mistaken criticism of American labor. In fighting against the alien anarchist, we are fighting for the American working man. We ought to have the cooperation of American labor in unstinted degree in this work in order to free it from even the suspicion of sympathy with these enemies of our form of government. The American wage worker has many just complaints against conditions, but he is not complaining of his government or the institutions which he has so constantly and loyally supported in the past. Improvement of conditions at which he aims will come

with far greater rapidity if he and the Government which he supports join hands to oust the real disturbers of the situation -- the alien anarchists and the citizen revolutionists who hold their dreams of an impossible new kind of government above their desires for better conditions for themselves and all other classes of people.

It is not surprising that Mr. Post, when the opportunity has presented itself in an official way to render a service to those who advocate force and violence, should employ it to the limit. He has always been sympathetic with that sort of thing.

In 1907 and 1908 he and his wife were the editors of a so-called "liberal" magazine, "The Public", and in those days when the anarchists of this country were especially active and their deeds fresh in the public indignation, these editors were lending their misguided sympathies towards protection and tolerance for the anarchists, just as Mr. Post in these late months, in touch with other miscalled liberals, has been lending them for pro-Bolshevism, in general admiration of the world revolutionary movement.

In this connection I cannot help but remark how well the distinguished jurist and author, John H. Wigmore, has recently set such people out in his splendid article, "FREEDOM OF SPEECH AND FREEDOM OF THUGGERY", published (March, 1920) by the Illinois Law Review.

"But the sorry feature is that so many 'good people of the village', as Confucius terms them, are led astray to condone with the disciples of violence by favoring this fetish appeal to 'freedom of speech'. These good people show more touchiness in this tender doctrine than they do to all the claims of all other fundamentals put together. They exalt it above the institutions which constituted their country: and many of them saw it so flaming large that they were ready to let it endanger their country's very existence. They matched the fanatical obsession of John Knox, who once exclaimed, 'One man is more fearful to me than if ten thousand armed enemies were landed in any part of the realm!' In their view, one interference of the authorities with freedom to preach resistance to the war was more fearful than news of a German invasion of our national capital. And one interference in America with the preaching of genuine Bolshevik police assassination would be more shocking than the news of Lenin and Trotsky enthroned in London and Paris."

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the authority of the United States and the laws thereof. It seems perfectly clear that there must be actual revolution or insurrection before a crime has been committed under this section. The other is Section 6, which makes it a crime for two or more persons to conspire to overthrow, put down or destroy by force the Government of the United States, etc. This obviously does not reach individual agitators. A conspiracy in its full legal sense must exist and be proven. Now that it is probable that no organizations will any longer openly avow revolutionary doctrines or pledge their members jointly to employ physical force or violence to accomplish their alleged reforms, Section 6 will seldom afford a remedy.

The deficiencies of our present Federal laws are well illustrated by the fact that the bomb throwers, who, with intent only to injure the government, made murderous attacks upon the homes of government officials, committed no crime under the Federal statutes. If they had stood upon the sidewalk in front of these homes on the day of their attacks and had publicly threatened to commit the act which they did subsequently commit, the Federal laws would have been powerless to punish them for the threat. A man might walk down Pennsylvania Avenue, in the City of Washington, with a bomb in his hand, intending and publicly threatening to blow up both Houses of Congress while in session, and be immune from prose-

I do not need to inform you that there has probably never been in this country a woman who accomplished so much hurt to American morals and citizenship, particularly of the young, as Emma Goldman, so long a consort of the pervert, Alexander Berkman, with whom she was lately deported. Yet in 1908, when her misdoings and ~~mis~~^{bad} teachings were perhaps the most notorious and most condemned in the public mind, Mr. Post was exerting himself to print words in her favor and in his magazine was quoting with as much force as if they had been his own, Mr. Hall's touching and kindly remark^s of her written for "The Public".

"With many of her views I do not agree, but I have known Miss Goldman for about ten years, and I know no one who is kinder, more unselfish or broader minded, and withal she has an indomitable courage both in word and deed. Her home and her slender earnings are always at the disposal of the poor, the oppressed and the unpopular."

There have been few more dangerous anarchists in America than Ludovico Caminita, editor, [until he was arrested last February,] of the notorious Italian anarchist paper, "La Jacquerie", or, as some translate it: "The Massacre". He was one of the most bitter and vulgar-tongued of contemporary writers against organised society, a disciple of Malestisca, in Italy, and a revolutionist of international ill repute. Caminita was an intimate friend of Emma Goldman and a member with her of that infamous group of "Individualist-terrorists" which intensified the violence of the silk workers' strike at Paterson, and was inflaming fanatics to crime even of official assassination. Mr. Post's magazine had no harsh words to say of Caminita, but on the contrary it was vigilant to pick up and repeat his statement upon the occasion of the suppression of his anarchist paper, and I have it from "The Public".

He denounced the action of the President (Roosevelt), the postal authorities and the Paterson municipal authorities. He declared that in barring the paper from the mails and that in preventing the meeting, the federal and city authorities had been more anarchistic than the anarchists themselves.

I quote again, by way of illustration, from the editorial columns of "The Public":

"Could industrial conditions possibly be worse if the professed anarchists had their way and all coercive government were abolished? Think of it!

"The law is the protection of society, say the jurists and statesmen. Protection against whom? Against those who have nothing. It is a protection to the rich against the poor, a protection of a few against the many. The rich need the law and use it without having to feel its weight; the poor support the law, but cannot use it. The poor are beneath the law, while the rich are above it. Those who are above the law do not feel its burden. To them it can be no burden. They are free. Their will is not restrained by the law, nor are their acts circumscribed by it. They are beyond it and above it and have no concern with it. They are exempt from the law, they are anarchists."

And I will add, finally, an editorial comment from the pen of Mr. Post, February 25, 1905, upon the assassination of the Russian Grand Duke Sergius:

"He that loves liberty and hates oppression, whosoever or whatsoever he may be, will approve or condemn the assassination of the Russian Grand Duke Sergius (if he would be logical)

according to his principles regarding forcible resistance. The Tolstoyan must condemn it. To him assassination is a form of force, as wicked and futile when resorted to by the oppressed as when inflicted upon them. But how can believers in force condemn this assassination without thereby condemning liberty and approving oppression? If the assassinations which such men as Sergius caused for the purpose of suppressing the commonest liberties may be approved or passed lightly over, how can his own assassination be condemned? If the civil war against oppression, in which armies meet in combat and thousands must die by violence, may arouse enthusiasm, why should the kind of civil war which selects assassins themselves for assassination excite terror? For this is a civil war, and if any homicide can be just at all, if it can be useful at all, then must such homicide be useful and just. The non-resistant may with propriety denounce it; but men of blood and iron cannot denounce it without approving the royal crimes which have provoked it."

It was to men and women in the habit of thinking in this vein that the Bolshevik propagandists, from the beginning of their efforts even before 1917, and continually since, have addressed the set-pieces of their specious literature and inveigling talk in the hope of winning if not active converts to their cause, then, at least, proselytes of passive tolerance and encouragement of it. By their lies, they have indeed won many such victims and have been happy to see them planted in places of gratifying usefulness. From this point of view Mr. Post became, although I do him credit to say unconsciously, a factor in the revolutionary plan and he has demonstrated that status beyond shadow of change for contradiction.

He has claimed that his cancellation of deportation warrants have been made only in cases where the facts warranted such action.

In the light of that claim I would like to call the committee's attention to characteristic specific instances. I will mention first the case of Paul E. Burton. Burton was arrested in the city of Detroit. He was a Russian alien and entered this country in 1909. He registered for the selective service, but failed to appear for either the physical examination or the induction call, and was reported by his district board a deserter. Among various of his known utterances are the following:

"I am glad to hear of the assassination of any one elected by the capitalist."

"I would fight against this country if I was where I could."

"I would hang Lloyd George and Winston Churchill and all the rest of the rulers of the country as fast as I could get them."

Burton was ejected by the police from a Detroit hall where an anti-Bolshevik meeting was in progress, for endeavoring to instigate rioting. During the same evening he again encountered the police while participating in a demonstration in front of the Detroit Capital House of Correction. The warrant in Burton's case was cancelled by the Assistant Secretary of Labor on April 6th, 1920, over the recommendation of the Immigration Inspector and the Commissioner General.

Karneet Kneepfal, of St. Paul, a Swiss, admitted membership in the German branch of the Communist party. He admitted that he was a delegate to its state convention and was elected a member of its state committee. While so serving, he voted in favor of a resolution to change the name of the Socialist

party of Minnesota to the Communist party. Notwithstanding this man's certain membership and affiliation with, and active participation in the forbidden party, Mr. Post canceled his warrant and discharged him against the recommendation of the Immigration Inspector and the Commissioner General.

Pietro Baldeserotto, of Paterson, N. J., arrived in the United States in 1914. He was arrested September 28, 1918, and admitted in the Immigration hearing that he was an anarchist. For some reason or other another warrant was issued by the Labor Department January 28, 1919, and Baldeserotto again admitted that he was an anarchist. He was ordered to be deported on June 25, 1919. In his testimony upon which this deportation was ordered, the following statement appears:

Q. "Do you believe in the overthrow by force or violence of the government?"

A. "No. I am an anarchist, because I am not in favor of force or violence."

Q. "What do you mean by the term 'anarchist'? Explain your beliefs".

A. "I believe as other philosophers talk anarchy, that everybody should be equal, that there should be equality among all men".

This is the same explanation of anarchy as given by Alexander Berkman, Emma Goldman and Enrique Magon, yet all of these are terrorists at heart and would not hesitate to resort to force and violence.

Upon this testimony deportation was ordered, as stated; it being found that he was an alien anarchist, and that he disbelieved in all organized government and that he was an opponent of all organized government. On August 14, 1919, the following telegram was sent by the Commissioner General to Ellis Island:

"Upon reconsideration Pietro Baldeserotto case outstanding warrants arrests and deportation cancelled by direction of Assistant Secretary. Bond also cancelled".

Baldeserotto was then released and again, on February 14, 1930, he was taken into custody in Paterson, N. J., with other members of the L'Era Nuova group, a body founded by Malatesta, the Italian anarchist now leading this party in that country. To this group belonged Brusci, the assassin of King Humbert. The Assistant Secretary has again canceled the warrant of Baldeserotto and he is today free and at large in the city of Paterson, a dangerous public enemy.

Serafino Grandi, of Paterson, also a well known member of the L'Era Nova group, formerly convicted in Italy for his revolutionary activities in that country, was arrested and held for deportation. Against the recommendations of the Inspector and the Commissioner General the Assistant Secretary canceled his warrant.

The case of the anarchist, Franz Widmer, is equally illuminating. Widmer was the author of an article printed in the anarchist paper, entitled "The Execution of Hyena", which dealt with the killing with a dynamite bomb of Franz Steinberg, ex-Governor of Idaho, at his home in Caldwell, Idaho, in 1906. I quote from him:

"On our account we will add a little history which by itself and better than anything else will justify the energetic act of the unknown rebel, who consummated the vengeance of the people on that Hyena."

And again:

"The last reports had that the executed Hyena survived only 25

minutes the attack with which the people's vengeance had so rightfully hit him, and those 35 minutes were too many."

The warrant for the deportation of Widmer was canceled by Mr. Post on April 13, 1920.

Mr. Post has canceled the warrant of Alberto Guabello, an admitted anarchist, a member of the I. W. W., of whom also French records disclose that he was an associate of militant anarchists in that country, in Switzerland and in Italy. He had served time at Tourain, and was twice expelled from France for anarchistic activities. Nevertheless, Mr. Post canceled his warrant.

Tom Milioniske, of Milwaukee, Wisconsin, a Russian, was arrested on January 2, 1920. He admitted he was a member of the Communist party. It was shown that he was a treasurer for it. Notwithstanding his warrant was cancelled in April, 1920. After that he was taken into custody by the police authorities of Milwaukee for circulating a pamphlet, "Hail to the Soviets", it being the May Day proclamation by the central executive committee of the Communist party of America, and which revolutionary sentiments were boldly expressed.

The warrant of Mike Kristoff, of Buffalo, N. Y., who admitted membership in the Communist party, was canceled. Kristoff had sneaked into the country without the usual immigration inspection.

Frank Jaworski, of Hartford, Conn., was the Secretary and Organizer of the Willimantic branch of the Communist party of America. His deportation was recommended by the Immigration Inspector and by the Commissioner General, but the warrant was canceled by Post.

Andreas Kramec, of Buffalo, N. Y., denied membership in the Communist party, but his application for membership therein was introduced in evidence and shown to have been signed as of November 23, 1919. The alien was requested to write his signature at the hearing, in order that it might be compared with the signature

of the application card. This he refused to do. His name was on the membership books and he was credited with dues paid. However, the Assistant Secretary canceled his warrant.

I might illustrate such instances of flagrant miscarriages of justice at considerable length. In hundreds of cases, similar to those I have cited, warrants have been canceled, despite clear evidence of membership in the Communist party, which the Secretary had decided to be an organization of the kind covered by the statute.

I have said that Mr. Post, by his self-willed and autocratic substitution of mistaken personal viewpoint for the obligations of public law, has deprived the people of their day in court.

Upon the nature of this law I can perhaps do no better than to quote rather fully here from an article in "The Nation" on "The Communist Deportations", by Francis Fisher Kane, formerly United States Attorney for the Eastern District of Pennsylvania, and whose correctness of statement in the present instance is not likely to be contradicted:

"The act of October 16th, 1918, under which the government has proceeded is a different matter. It is a deportation statute. It covers those who advocate the overthrow of this government by force or violence, but it applies only to the aliens and makes them liable to deportation. It makes them liable if they even believe in the forbidden thing -- the words are: "Believe in or advocate the overthrow by force or violence of the government of the United States." And the act also makes membership in, or affiliation with, any organization that entertains a belief in, teaches, or advocates this thing enough to send a man back 'to the country whence he came'.

the procedure under the law is through a departmental proceeding before an Inspector of the Bureau of Immigration, with the decision resting in the Secretary's hands, and in this proceeding the alien has practically only one, or possibly two, of the Constitutional rights which he, like the citizen, would have, if the government chose to proceed against him in the courts for a violation of the criminal code. He does not have the rights mentioned in the Sixth Amendment to the Constitution. He does not have the right, "to a speedy and public trial by an impartial jury"; the right "to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for the obtaining witnesses in his favor; and to have the assistance of counsel in his favor." He may be compelled, to be a witness against himself and he may be tried with an utter disregard of the rules of evidence. The courts have said that it is entirely for Congress and the Department of Labor to say whether these rights shall be accorded aliens in the Deportation cases."

Nevertheless, there proceedings have in them of necessity the nature of a trial, to a degree, and you will appreciate this immediately when I state to you that the warrants directed by the Secretary of Labor against the aliens declared by affidavits of proper Federal agents to be, from their forbidding revolutionary party affiliation, unlawfully resident in the United States, the command is that the accused, if such can be said of a party in an administrative proceeding, shall show cause why he should not be deported. That is to say, the burden of proof in the premises is not upon the people of the United States, but upon the alien.

For that reason, it was the duty of the Department of Justice, in its

assistance of the Bureau of Immigration, to provide for the initial record no
bigger than a prima facie case.

Acting upon the strength of these, in a very great number of instances
the Immigration Inspectors, having given the alien his opportunity of defense,
and he having in their view failed to establish his humanity, forwarded their
recommendations for deportation to the Secretary of Labor, as the law requires.

If the Secretary of Labor then deemed the alien notwithstanding entitled
to release, from insufficiency of the record, a thing that except upon the
grounds of the alien's successful defense he could not rightfully do in the
face of the flat affidavit, it was his duty to notify the Bureau of Immigra-
tion at least and the Department of Justice by courtesy, that unless the alien's
defense should be overcome by the presentation of additional evidence, a dis-
charge must follow.

Mr. Post, acting upon his own judgment, and without consulting the Solici-
tor of his own Department, without prior notice to the Bureau of Immigration
or to the Department of Justice, has released these accused aliens and canceled
their warrants by the scores and hundreds for no other reason than that he was
not in sympathy with the proceedings and proposed to annihilate them.

Mr. Post evidently has taken the position that deportation warrants should
not be upheld except in cases wherein the alien member of the revolutionary party
concerned should be caught red-handed with the gun or warfare or knife of
assassination in his hands. He has deemed that mere membership in a forbidden
party is not legitimate cause for deportation. And to make this view effective,
to make it the basis of his rulings and decision, he was compelled in effect to
cancel the stated terms and plain meaning of the Immigration Act of October 1st,
1918. He did this without the advice of the Solicitor of his own Department. He

did it without the least courtesy of prior notice or consultation with the
Department of Justice.

Gentlemen of the Committee. I wish to tell you something about what I call the revolutionary background-- the situation of tense and conspiring unrest which has made infinitely more difficult the already hard problem of restoring comfort, tranquility, and tolerable living conditions for the people after the strain and hardship and destruction of an unparalleled war; a war that consumed human lives by the millions and sunk the stored up savings of the nations' labor and wealth ~~of nations~~ to an unimaginable degree.

It is only in contemplation of this background, in a lively realization of what it is and what it means as a test and menace to civilization that we can appreciate or comprehend the international revolutionary movement; get a fair notion of what its manifestations here have carried of evil augury, and make a level-headed estimate of the campaign our government has been called upon to wage against it.

To present this matter in an adequate picture is impossible for me in the limited time I can be appropriately allowed here. But if this Committee will read the exhibits in this connection which I am able, fortunately, to bring from the surveys of the Bureau of Investigation, and leave with you for this purpose, I believe that you will be deeply interested and come naturally into the conviction of serious-

new and urgency which we in the Department of Justice have come to feel.

Authoritative information is infinitely more impressive than the fabrications of the propagandists or the necessarily imperfect reports of the press.

Let me speak of some of the striking revelations in this picture.

Most disconcerting of all, I think, is the evident tremendousness, sullenness, determination and power of the class war movement toward enforcement of the aims and theories of social reconstruction on a minority class basis - on a dictatorship of the Workers - [as the poorer crowd of industrial wage earners peculiarly call themselves.] in their exclusive interests through gaining control of the State - whether by fair means, or foul - and the expropriation of capitalistic property - of the "means of production" which they mean to take away from its present ownership without compensation and to manage hereafter, after the Marxian precept, as a common enterprise in the workers' behalf.

This wave of ultra-radical Socialism, Communism, or Syndicalism, as it is variously called according to the phases of local condition or shades of opinion with regard to policy was heavily under way before the war temporarily broke it up.

It began to rise with accelerated vigor immediately

following the tragic revolution in Russia of March, 1917. That revolution was but a preliminary one; it was a purposeless and flameless brute convulsion of the Russian people, mad in desperation from years of betrayal, mis-government and corruption, brought to a climax by national bankruptcy of every resource, moral or material. The story of it is infinitely pitiful.

Revolution is one thing and its philosophy another. The Reds contradict themselves when they attribute their Russian coup to the philosophy of Karl Marx. Marx would yield nothing to the reality of ideas, and believed in no potency but that of sticks and stones. The Bolsheviks are Marxians, to be sure, but they and their millions of followers in Russia were first of all a poor, hungry, ignorant, abused, demoralized and propertiless people. They wanted peace. They wanted bread, and they wanted land. With those three things they would rest and be satisfied, requiring nothing of tomorrow until tomorrow's sun. For peace they would sacrifice honor and provinces. For bread they would murder and destroy government. For land they would steal even the plate from the churches. They did all three. "To transform every coward who left the front into a privileged assassin," says Kerensky, "the State has had first to be thoroughly destroyed." The Russian rabble did destroy it and they would have done so under any other pretense or

excuse that ready reguery might suggest.

But having destroyed the state, as they did progressively in the months that intervened between the advent of Kerensky and his ~~submersion~~ with the Korniloff rebellion, they did not know what to build in its place. And there was no Russian inspiration capable of managing them in such an enterprise.

For years, even before the war, the pillars of Russian society were being loosened and undermined. They had never been firmly set.

The foundation for stability is character. For character there must be independence. But dependence, through centuries, had been the Russian rule. Without an exception her modern institutions were built upon Western credit and had never natural embedding in the native soil. The dynasty was borrowed. The state, what there was new of it, with all its machinery for the handling of finance, industry and social welfare, was made of pieces of foreign importation or grafted upon the decay of feudal remnants. In spite of vast resources and the possession of an almost unlimited labor supply, the capital for industrialization was not of Russian supply. Nor was its engineering or its mechanics. All leaned for repair and maintenance constantly upon the Western support. The war cut the prop. By March 1917, had there existed a Russian independence capable of

amputating Czarism, with all its corruptions and inefficiencies, and conserving what was left of industrial equipment, no debacle need have occurred. There might have been a saving national character and competence. But beneath the Romanoff failure stood nothing strong that was inherently Russian. Bolshevism, a German fabrication, the only virile political organization - the only body of thought that could assume control of affairs, became the stake upon which helpless Russia was impaled.

Two principal circumstances conspired to develop this tragedy; the personal dynamics of the Communist leadership, and the paralysis of opposition. They are both tremendously significant. The situation enabled a small group of determined men, knowing exactly what they wanted and driving ruthlessly for it without hesitation or scruple, to wield the whole engine of power; to crush every obstacle of resistance, and to win the most singular victory of minority dictatorship the world has ever witnessed.

Louis C. Fraina, one of the founders of the Communist Party in America, in his comment upon Lenin and Trotzky's, "The Proletarian Revolution in Russia," says:

"The Russian Revolution in its determining proletarian phase is an incomparably mightier event than any previous revolution; larger in scope and deeper in ultimate meaning than the French Revolution. Napoleon visualized

Russia as a menace that might make all Europe Cossack; today Capitalism may make Europe, and the world, all Socialist. Clearly the antagonisms, national and international, generated by the proletarian revolution in Russia, are necessarily more intense than the antagonisms of the French Revolution. THAT WAS a bourgeois revolution, a revolution that annihilated one form of class rule and tyranny in order to establish that of the capitalist class; it was not a fundamental social revolution, but overwhelmingly political in scope. THIS is a proletarian revolution, the START of the International Social Revolution against Capitalism, the purpose of which is not political reconstruction, but fundamental, intensive, economic and social reconstruction of the basis of the world. The French revolution annihilated one form of property rights, the feudal, in order to introduce another form of property rights, the bourgeois: the proletarian revolution in Russia proposes the annihilation of bourgeois property rights, the annihilation of private property and its system of class oppression - the end of the exploitation of man by man and class by class. This is THE Revolution, the initial action in the Social Revolution of the International proletariat against Capitalism and for Socialism."

At any rate, the Revolution has centered in Russia. It has taken its cue from the Bolshevik Soviet regime of expropriation, dictatorship of the proletariat, communization of industry and disruption, utterly, of the old order of things.

7.

With the push of Russian Communists, many millions strong, behind this
emotion by propaganda better financed and more determinedly bad, more fanatical
than ever before, its spread and manifestation like the ~~enveloping~~^{marked} that surrounds
a conflagration is the most striking event of the times.

All over the world, and in every major tongue, bands of workers, men and
women, joined already in conscious and conspiring fraternization, are singing

THE NEW INTERNATIONAL

Stand up! Ye wretched ones who labor,
Stand up! Ye galley-slaves of want.
Man's reason thunders from its crater,
'Tis the eruption none can daunt.
Of the past let us cleanse the tables,
Mass enslaved, fling back the cahn,
Old earth is changing, her foundations,
We have been nothing, now be all!

There are no saviors e'er will help us,
Nor God, nor Caesar, nor Tribune,
'Tis ours, O workers, must the blows be
That shall win the common boom.
From the thief to wring his stolen booty,
From the pris'n to free the soul,
'Tis we ourselves must ply the bellows,
'Tis we must beat the anvil's roll.

"The Socialist philosophy" (taking that phrase in the general sense), writes
an anonymous author in "The International Weekly", "is probably adhered to by
more people in the world than any other single belief. It reaches from Seattle
to New York, to England, to Europe and Russia, to Japan and the Orient, to
Australia and back again to South America. It is conceived by millions of
people to be the most vital thing in their lives." Under Bolshevik agencies
it is being preached also, not only in the huts of Afghanistan, and to the mid-
Asian tribes thence westward to Suez, but to the fellah in Egypt and to negroes
of Africa wherever they touch the white man's labor question.

I cannot tell you, gentlemen, how, after the Bolshevik coup of 1917, and

even notwithstanding the terrible object lessons of want, terror, and misery in Russia that followed it; how after the seizing of Russian power by a comparative handful of Communists -- a German importation in plan and direction -- and the swift success of the Bolsheviks in winning through bribery of the peasants and demagoguery to the workers and ruthless crushing out of bourgeois resistance -- in grasping and holding the rule of things -- the essential Bolshevik social program caught fresh and absorbing hold upon the radically disposed elements in the remainder of Europe. The Bolshevik notion spread, literally, like wildfire. Of course it had its most immediate response, as we know, first in Germany and later in Hungary. The means of this spread I will presently dwell upon, but the celerity of it was astonishing. The Spartacus group in Germany, driven on by Liebknecht and Rosa Luxemburg, grew at one jump in 1918, from the status of a mere social nuisance to a stubbornly striving social class war party which has left Germany in an uproar of anxiety ever since and come perilously near breaking the German federation but a very few weeks ago.

In Hungary, helpless, in industrial depression of deepest rigor, a powerful Bolshevik insurrection occurred under Bela Kun, as you recall, crowned with a ghastly terrorism and temporary failure.

Bulgaria, Turkey, Poland, Slovakia, Austria and Serbia have all been distressingly inoculated with the Bolshevik virus -- held now under restraint but threatening to break out disastrously at any moment in the last dozen months.

It may be news to you that in Denmark the ultra-radical socialists are so strong, the mass organization of the workers is so complete and so close knit that the King and his government have for some time been forced to leap and cater to their whims as puppets at the yank of their strings.

Holland is not so much better off. It is taking a great effort of the

Dutch government and police to hold down the Reds.

You know what has but just happened in France.

How the Bolshevik element of French labor, grown to strength sufficient to force the hands of the great French Confederation General of Labor Unions and to drive it into such vicious general strikes that the Government has felt compelled to revoke the Federation's charter and has only by the loyalty of the peasants and the military narrowly averted cut and cut revolution. In England, affairs are better but distinctly unpleasant.

In the more industrialized provinces of Spain, and in Portugal and Italy, the proletarian revolutionary unrest is no less conspicuous than elsewhere on the Continent.

The evil thing exists in the Caucasus. It is inflaming native racial hatred and religious bigotry all across Western Asia, from the Caspian to Suez. It is even in China, Korea, Japan and India.

It is being kindled and frequently flames in Mexico, the West Indies and South America.

You know how it has taken hold of great numbers of laboring men in Canada. The affair at Winnipeg is still fresh in your minds. I am going to tell you presently what there has been of it in the United States. But I want to tell you now that in spite of the happy showers of/beautiful

Springtime, the world is on fire with this infamous Red stuff and it is going to take the united cooperated effort of International Democracy under its most sane and devoted leadership to stamp this incipient conflagration out! Unless we secure the quick and firm establishment of international political peace and financial, trade, and commercial cooperation we may not be able to stamp it out.

Boris Brasol, in the introduction to a very recent and able work on Social Difficulty, does not hesitate to say:

"Modern civilization as a whole is imminently threatened with social cataclysm of unprecedented violence such as has already inflicted utter ruin and unspeakable suffering upon several European countries, particularly Russia. This danger cannot be magnified and should not be minimized."

I call your attention next to the fact that the methods of spreading the social revolutionary conspiracy - and it is an international one by profession and organization - engineered now by the Communist International, the celebrated Third International, established at Moscow, of delegations from all Europe and the United States on March 6, 1919, have been everywhere the same, - in Russia, in Europe, in Asia, Africa and America. An inexhaustible press backed by giant funds of stolen loot, has been pouring out tons upon tons of such inflammatory literature as

we have, I might almost say by the bale, in the collections of our division of radical publications in the Department of Justice, and specimens of which you have frequently seen. It is savage material, but much of it internally well written and appealing to the thoughtless, dissatisfied crowd. This literature has been printed in almost every known language by the International Revolutionary press Agencies. I have a complete memorandum of it in its American manifestations which I will file with the Committee.

By spreading this stuff in Russia and by their continual propagandizing and disintegrating attacks upon socially loyal groups, by their steadily and ingeniously "boring from within," they gained their necessary adhesion and by the same tactics are carrying out their program everywhere with different degrees of success in different countries.

I wish that those who have exclaimed so much about fancied invasions of "free speech" would realize all this - that those who have been opposed to any defensive measures by government against the revolutionary conspiracy could give their ^{some} thoughts a chance for better assertion in the light of what we know has been happening in the world.

The continual spread of the seeds of evil thought, the continual inoculation of poison virus of social sedition, poisonous to every fibre and root, to every bone and sinew,

to the very heart and soul of all that by our standards is integrity in citizenship. personal character cannot help but foster frightfully the revolutionary disease. Is there no such government policy as one that can stand effectively for social sanitation?

I believe that it will be one of the principal privileges of our political parties in the next campaign to frame and assert such a policy, a duty as difficult, perhaps, as it is imperative. It must aim at reforms more than at repressive measures, but it must recognize the government's inherent right of self-protection.

In "Combat Order No. 4", a Bolshevik document issued in August, 1919, as a "Message of the Communists" to all "Federations affiliated with the Third International", occurs the following paragraph:

"The European revolution will be possible only when the criminal incapacity of the present bourgeoisie regime will bring about great suffering and misery. A state of revolution will then naturally result from the misery of the people. It is the misery - the intolerableness of conditions that provides the cause of revolution. Philosophists seldom even fix the occasion, but they may guide and engineer the revolt."

I have given you that quotation in connection with the everlasting assertion of the Red socialist: "Capitalism is bankrupt."

I want it very plainly understood that I do not have the slightest fear that any revolutionary movement can succeed in this country, even to the extent of seriously menacing our institutions. The sober judgment of the men and women of America will reject this alien philosophy and kill this alien purpose, whenever they are made to realize that plans based on such philosophy and purpose have reached serious proportions. But I am equally clear that the alien agitators who have been opening every wound they can find in our body politic, do not realize their plans will be finally rejected here and will go

on in the hope of final success. Their ignorance of our institutions and the hearty American confidence in them makes it impossible for them to realize the hopelessness of a revolutionary cause here. Out of this very ignorance will come further agitation, occasional outbreaks, and sometimes systematic industrial disturbances of large proportions, all of which will threaten the peace and good order of the country, and serve to obstruct progress and delay settlement of the many serious problems which now admittedly confront our people, - problems which are social and political, as well as moral and economic, and which demand sympathetic consideration and prompt solution.

I am not an alarmist or even a pessimist. But I have my eyes open and I know what a chance of national bankruptcy and industrial paralysis the world would certainly face to-day were the evidences of precaution against it only a little less hopeful and numerous.

But, I may add, it has been the conscious and deliberate plan of the revolutionary conspiracy to labor for the creation of misery and bankruptcy - the field ground for revolution.

That is why we have so much of the sabotizing of industry, the deftly engineered slowing down of production, the constant stalling of machinery, especially transportation industry and the crippling effect of general strikes, otherwise "political" strikes.

It is the reason, in part, at least, for the continual assault of the Reds, of their constant agitation against the morale of workmen. It is even true that the March and April marine workers' strike at Rotterdam, when for weeks not a ship could discharge or take on a cargo, was backed by the Bolsheviks for the express purpose of bringing on deprivation and hardship in parts of Germany and Austria, dependent upon the Dutch shipping for the impor-

tation of food and raw material. Of that most deplorable and formidable strike, for some strange reason, the newspapers carried scarcely a word.

You also have read the authoritative signs of the times. You know that a period of difficulty we face here in our own hitherto teeminly prosperous country. You know what prodigious and painstaking efforts the statesmen of Europe are making to adjust the indemnity of Germany and achieve its financing in such a way as to stave off and prevent this very real bugbear of international bankruptcy. Need I dwell upon this for the purpose in hand? Need I say that the menace of ~~social~~ revolution gains enormously in volume of reality and danger the moment we indulge the emotion of natural fear, rather than sturdy optimism in this grim business? What would not the administration of law and order in this country have been guilty of in the way of neglect and omission had it failed to carry in its mind a policy of quiet but most earnest regard for eventualities of this character? Would it not have been a serious sin of omission if we had failed to think about the difference between good times and bad, and to dread the consequences of leaving the infection of social and industrial revolutionary disease to fester and breed in the tissues of our organism against the day of the hoped-for opportunity to attack the body politic by a virulence redoubled a hundred fold amid the conditions of bread lines and mass unemployment? Can we afford to disregard that danger now?

I believe we can answer that question positively and beyond contradiction as we go over, briefly as we may, the narrative of the revolutionary action in America, generally at first and more specifically as we discuss also what at the precautionary and protective campaign of the Government has been, or was until it collided with the stubborn incapacity of the Assistant Secretary

of history, Louis F. Post.

Revolutionary action for the United States, so far as is considered in this review, begins with the organization of the Industrial Workers of the World, yet even so, the development of this fraternity of malcontent workmen had no patently deep significance in our general life until its very recent connection and affiliation with the greater Social Revolution in Europe, when it became a part of the international conspiracy.

While some very interesting and cruel pages in our industrial history have had to be written on account of the place the I. W. W. had previously taken in the story of our local strikes and disturbances, in the tragedy at Ludlow and the occurrences at Lawrence and Paterson, these represented no more than prophetic incidents. They were nothing that needed to touch our emotions of real alarm and suggested inflammations and wrongs in parts of our industrial system rather than fundamental difficulties menacing the entire fabric.

The I. W. W. was organized at Chicago in 1905. By the following year it professed to have 60,000 members. It was composed of a mixture of bumptious, fanatic elements, partly ultra-radical Socialist, partly Anarchist, but mostly Syndicalist. That is to say, the burden of the program of the I. W. W. from the beginning was to work for the ownership of industry by the workers, whom they claimed produce it, and to work for this through the means of labor unions which should strike, and sabotage, and revolt, with violence, if necessary, not merely for the increase of wages and the betterment of working conditions, but for the physical seizure of industry itself, for the ownership of the means of industry. The party, if we may call it that, or the fraternity, for that is what it more closely resembles, was international in its sympathies and in its

statement of the industrial problem, but not in its plan of action. It put out its branches in Canada and Mexico, and it joined hands in combination with radical labor, and Revolutionary parties abroad and at home, but the thing it was immediately trying to do was infect the labor body of America with the Syndicalist idea and press toward it with all the means and opportunities that might be at hand.

In ordinary times it is not easy to find a body of American labor susceptible to Revolutionary teaching. Revolution means risk and sacrifice, the chance of imprisonment, prosecution, outlawry - and in America, certain defeat. But there did exist a body which could be reached. London tells very ably of this in his book, "The Class Struggle". It was a body of unkept, homeless, ragged, dispirited and underpaid floating labor - the "hoboes" of the American continent. There were thousands, yes, hundreds of thousands of them, who roamed the country from east to west, north to south, and back again according to the seasons and the prospects of temporary employment. They drifted to construction jobs. They drifted into new industrial plants where workers were wanted in a hurry, and the combing out process for efficiency could not yet be begun. They made up the corners of the saloons and strike breakers. They did the hard and dirty work upon ships and wharves. They harvested the wheat and the grapes and the corn and the wheat, and were dumped into the flushed mines. They were in the forests. They were in Minnesota and the swamps of the southwest. They were in California, in the vineyards and over, in the orchards of Oregon, the golden ratches of Colorado and Arizona. They were in the stockyards and in the steel mills. They were on the farms of Florida and Texas. And they were in jail - frequently. They

were everywhere - and gone again, a wandering migratory host. And nobody loved them. Some of them crawled up out of their troubles and despairings - and as many more tumbled down in. These were the people who became the I. T. F. - Confusion.

But, as is usual in such concerns, there were able men at the head. St. John, Etter, Rooney, Hill, Varney, Heywood, Whitchurch, and fellows of their stamp have been tremendous engines of effectiveness in their apostleship of "class warfare". And the I. W. W. has had its press and its clever writers, its pamphlets and its songsters, pushing its propaganda, moving its enthusiasm and spreading its doctrines all these years. It has indefatigably organized, too, and shoved its groups into all manner of leverages of advantage "for the cause". An I. W. W. speaker, addressing a recent labor meeting in England, claimed an American membership then of 300,000 from Centralia to West Street. That may not be an exaggeration.

Prior to 1914, there were in the country also numerous ultra-radical nihilists, Marxists; and a great many small Socialist, Anarchist and Communist parties formed among the aliens, for the most part, making no very great noise and doing no very great damage. They should have been more definitely

During the war these Revolutionary bodies, prodded by the Germans,
and assisted by them, turned their attention chiefly to obstructionist
work, and to the fomenting of unnecessary strikes. A great
many were prosecuted and imprisoned. And justly so, because they
during the long and deliberately tried to weaken the power of the
Revolutionary forces in what was literally a struggle for the salvation of democracy;

inviting upon themselves a "martyrdom" which Americanism can never justify. The loyalty of American labor and an overwhelming wave of public condemnation, coupled with these persecutions, crushed this vicious Revolutionary effort to earth.

Then came the news of the Revolution in Russia, the formation of the Third International, and the advent of more sinister and dangerous Social Revolutionary activity in the United States.

The I. W. W. had been Bolshevik in its aspirations from the start. Harold Varney thus writes of it in "The Revolutionary Age", April 19, 1919.

"Possibly the I. W. W. of all the world's movements was shaken least by Bolshevism. The I. W. W. welcomed the Bolshevik triumph with the joy of the unexpected. The final linking of the I. W. W. theory had been forged at last. But there was naught in the new happening to compel a revision of belief. The I. W. W. had always been anti-parliamentary; the I. W. W. had always sought industrialism. The I. W. W., had professed Bolshevism while the Bolsheviks themselves were still groping. And the Webby felt like one who had long since swum to an island of ideological truth, as he watches the Russian swimmers coming into port. The naive exuberance with which the new Left Wing American Socialists began to propagate industrialism was naturally amusing to those who had fought the industrialistic battle for nearly a generation. Bolsheviks, the new Left Wingers styled themselves, but well the I. W. W. knew that Bolshevism was but the Russian name for I. W. W., and that, after a few flights of Left Wingism, the Socialists would learn that every road of Industrial revolution leads inevitably to the Industrial Workers of the World".

In his report to the Executive Committee of the Third International at Moscow, Louis C. Fraina, International Secretary of the Communist Party of

America, said:

"The Socialist Party was organized in 1901, of a merger of two elements: (1) Scoundrels from the Socialist Labor Party, like Morris Hillquit, split away in 1899 largely because of Debs, i.e. P's uncompromising endeavors to revolutionize the trades unions; (2) the Social Democratic Party of Wisconsin, a purely middle-class liberal party tinged with Socialism, of which Victor L. Berger was representative." And again:

"During 1918 the Socialist Party was in ferment. The membership was more and more coming to think in Revolutionary terms. Then came the armistice and the German Revolution. The response was immediate. On November 7th, 1918, a Communist Propaganda League was organized in Chicago. On November 9, Local Boston, Socialist Party, started to issue an agitational paper, "The Revolutionary Age". This paper immediately issued a call to the party for the adoption of revolutionary Communist tactics, emphasizing that the emergence of the Proletariat into the epoch of the world Revolution made absolutely imperative the reconstruction of Socialism. In New York City, in February, 1919, there was organized the Left Wing section of the Socialist Party. Its Left Wing manifesto and program was adopted by Local after Local of the Socialist Party, the Left Wing acquiring a definite expression. The Left Wing secured the immediate adhesion of the Lettish, Russian, Lithuanian, Polish, Ukrainian, South Slavic, Hungarian and Estonian Federations of the Party, representing about 25,000 members. The official organs of the federation did splendid work for the Left Wing. In January, 1919, the Executive Committee of the Socialist Party decided to send delegates to the Congress of the Soviet International. This action was characterized

Social-patriots and Centrist bent of the party administration. There was an immediate protest from the membership, the Left Wing, using the Berne Congress as again emphasizing the necessity for the Revolutionary reconstruction of Socialism. In March we received a copy of the call issued by the Communist Party of Russia for an International Congress to organize a new International. "The Revolutionary Age", was the first to print the call, yielding its maximum power; while the Left Wing section of New York City transmitted materials to S. S. to represent it at the congress. Local Boston initiated a motion for a referendum to affiliate the party with the Third International; this was thrown out by the national administration of the party as a technicality, but after much delay another local succeeded in securing a referendum. (the vote was overwhelmingly in favor of the Third International). The Left Wing was now, although still without a definite organization, a formidable power in the Socialist party. Previously all revolts in the party were isolated or consisted purely of theoretical criticism; now there was this theoretical criticism united with a developing organization expression. There was not, as yet, any general conception of the organization of a new party; it was a struggle for power within the Socialist Party".

This struggle, however, was of short duration. By the end of August the radical Revolutionary element had, according to the testimony of its own historians, won commanding control of the rank and file of the Socialist party, but no control whatever of the party machinery. The latter held firm under the dominance of its old National Executive Committee. The conflict between the Left Wing and the Right became irreconcilable. On September 1st, the American Bolsheviks broke away from the Socialists and formed parties.

un, the Communists and the Communist Labor Party. The first of these comprised practically all of the "foreign" branches of the Socialist Party. It claimed originally 58,000 members. The Communist Labor Party, which in its principles and aims does not differ materially from the other, represented a faction of the Reds with native American membership. Perhaps there were fifteen thousand of them. The number has since very much increased.

There already existed ~~and~~ another numerous and seditious Revolutionary organization, the Communist - Anarchists of the Federation of Russian Workers of the United States and Canada.

All these three parties, while separate societies and quarreling among themselves as to which should be the formal and designated standard-bearers of the Bolsheviks and the International Revolution in the United States, were united in their greater purpose and were working together for the Movement. They all endorsed and stood for the manifesto of the Third International, and they recited together, in their meetings and in the propaganda of their voluminous press which reached and still reaches hundreds of thousands of the workers in our country.

"Spurning the half-heartedness, hypocrisy and corruption of the decadent official Socialist Parties, we, the Communists assembled in the Third International, feel ourselves to be the direct successors of the heroic efforts and martyrdom of a long series of Revolutionary generations from Babeuf to Karl Liebknecht and Rosa Luxemburg. As the First International fumbled in its future development and pointed the way; as the Second International joined together and organized millions of the proletariat, so the Communists in the International of OPEN MASS ACTION OF THE REVOLUTION."

INTERNATIONAL OF DREDS. Socialist criticism has sufficiently stigmatized the Bourgeois world order. The task of the International Communist Party is now to OVERTHROW THIS ORDER and to erect in its place the structure of the Socialist world order. We urge the working men and women of all countries to unite under the Communist banner, the emblem under which the first great victories have already been won".

"Proletarians of all lands! In the war against imperialistic barbarity, against monarchy, against the privileged classes, against the bourgeois state and bourgeois property, against all forms and varieties of social and national oppression — UNITE!"

"Under the standard of the Workingmen's councils, under the banner of the Third International, in the Revolutionary struggle for power and the Dictatorship of the Proletariat, Proletarians of all countries UNITE!"

"The new era has begun! The era of the downfall of Capitalism — its international disintegration. The epoch of the Proletarian Communist Revolution. In some countries, victorious proletarian Revolution; increasing Revolutionary ferment in other lands; uprisings in the colonies; utter incapacity of the ruling classes to control the fate of peoples any longer; That is the picture of present world conditions".

"Humanity, with its entire culture now lying in ruins, faces danger of complete destruction. There is only one power which can save it - the power of the proletariat. The old Capitalistic "order" can exist no longer. The ultimate result of the Capitalist mode of production is chaos - a chaos to be overcome only by the great producing class, the Proletariat. It is the Proletariat which must establish real order, the order of Communism. It is the

and the concentration of capital, make war impossible, wipe out state boundaries, transform the whole world into one cooperative commonwealth, and bring about real human brotherhood and freedom".

"World Capitalism prepares itself for the final battle. Under cover of the League of Nations and a deluge of pacifist phrase-mongering, a desperate effort is being made to pull together the tumbling capitalist system and to bring its forces against the constantly growing Proletarian revolt. This monstrous new conspiracy of the Capitalist class must be met by the Proletariat by seizure of the political power of the State, turning this power against its class enemies, and using it as a lever to set in motion the economic Revolution. The final victory of free mankind".

THE WAY TO VICTORY.

"THE REVOLUTIONARY ERA COMPels THE PROLETARIAT TO MAKE USE OF THE MEANS OF BATTLE WHICH WILL CONCENTRATE ITS ENERGIES, NAMELY, MASS ACTION, WITH ITS LOGICAL RESULTANT, DIRECT CONFLICT WITH THE GOVERNMENTAL MACHINERY IN OPEN COMBAT. ALL OTHER METHODS, SUCH AS REVOLUTIONARY USE OF BOURGEOIS PARLIAMENTARISM WILL BE ONLY OF SECONDARY SIGNIFICANCE".

"DOWN WITH THE IMPERIAL CONSPIRACY OF CAPITAL!"

"LONG LIVE THE INTERNATIONAL REPUBLIC OF THE PROLETARIAN COUNCILS!"

In addition to these revolutionary organizations, we have had a great many unaffiliated individuals, social revolutionists, not only an extremely numerous group in the ranks of labor, sympathizing with and encouraging the organized communaries, but among the intelligentsia, those educated men and women, who, from the advantages of the plutocratic upper portion of life, have been

stremously thinking with none too commendable logic about the incongruities and injustices of the times, and catching the Revolutionary thought, have turned to it both their feelings and interests. Among them are the "parlor Bolsheviks", the Philistines of our social period, who, enveloped in cigarette smoke and airs of superiority, have lost the touch of just proportion in their measurements of "the good and the bad in modernism", and lent themselves to writing and talk, and financial contributions - these people seldom take the risk of doing anything - toward paddling along the Revolutionary flood.

In the latter half of 1919, all these protagonists and helpers of the International Revolutionary scheme, the I. W. W., the Communists, the Communist Labor Party, the Anarchists, the Radical associations of rebellious schools, and unaffiliated Reds, and parlor Bolsheviks, fired by the enthusiasm thrown across seas by flaming Russia and the glowing torch of the Third International, began to work hammer and tongs "to beat anvil blows", the revolutionary poets would say - for an actual Revolutionary uprising in the United States.

In Canada broke out Bolshevik strikes at Winnipeg and elsewhere, as had occurred before in Oregon, where Ole Hanson stamped out the embers. These strikes were an ominous foreboding. In the United States, the Revolutionary faction in the ranks of organized labor egged on a series of great strike demonstrations. These strikes were all of them aimed ostensibly at nothing more than wage increase or some alterations in the conditions of work, but these complaints were taken advantage of by the international inflamers, who make it a practice to rub every sore. The strike, most interesting and significant from the viewpoint we are discussing, was the coal strike, participated in by nearly a half

million miners in the bituminous fields." This strike battered at the very foundations of the safety of American democracy. It threatened not only a universal hardship cruel to our own country and dangerous to the world, but it seemed to indicate defiance of law and the public welfare on the part of American labor. Confronted with this challenge of circumstance, the government of the United States acted under the authority of the Federal Statutes and enjoined the strikers. The issue was brought to immediate head. It was settled by decision of the loyal majority in the Labor Unions, "American Labor is obedient to law". No more hopefully reassuring decision than this was ever registered in the history of our republic.

Aroused finally to a realization of the growing danger of graver disturbances, under the pressure of public opinion, Congress began in turn to urge upon the administration the necessity and wisdom of counteraction. For this the Department of Justice had been long preparing. In November, in co-operation with and in aid of the Bureau of Immigration and the Department of Labor, it raided the Anarchist parties of the country and forwarded some three hundred and eighty of the worst offenders of the Russian Anarchist group to Ellis Island for deportation. This had the effect of putting an end, for the time at any rate, to several of the more venomous of the Revolutionary publications.

In January there were similar raids, resulting in the detention of nearly three thousand Communists.

Revolutionary tactics have, of course, been employed by others than the organized groups to which I have referred. There have been sporadic cases of open violence in recent times and the indications are plenty that these have been of an organized character, but not necessarily authorized by the chief actors in the revolutionary movement. Last summer bombs, addressed to many State and Federal officials, were deposited in the mails. Some of them reached their destination, but comparatively little injury resulted. On another occasion, the homes of ten officials were simultaneously bombed. These acts of violence were, of course, not directed against the officials as individuals, but constituted the mistaken method by which deluded minds sought to do forcible injury to the government itself. The ultra-radical press and pamphlets, which have been given wide distribution in the country, have become constantly bolder in their threats of immediate forcible action. Well considered attempts have been made to corrupt and disband labor unions, to foment strikes and prevent their settlement, to incite destruction of property and cessation of industry and to bring about a general political strike. In a very few cases dangerous extremists have secured places of leadership and power in some labor organizations, but their plans have so far been consistently thwarted by the honest and patriotic efforts of the vast body of organized American wage-workers. In one

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instance, a leader of this type was able to have a State Federation of Labor Convention pass a resolution calling for a statewide strike in all trades to redress a purely political grievance. Of course, the effort was unsuccessful because the exposure of the plan aroused public sentiment, which made its consummation impossible. These ultra-radical agitators are the worst enemies of honest American labor and it is splendid evidence of not only the intelligence but the patriotism of the wage-workers of America that this is generally recognized by them and it seems to me to be amongst the first and most important duties of American citizenship to lend encouragement, aid and support to the strong and patriotic men influential in the ranks of organized labor who are striving earnestly to purge their organizations of every revolutionary element.

Most of the individuals involved in this movement are aliens or foreign born citizens. There are some, however, of unquestioned American extraction. Some of the leaders are idealists with distorted minds, many even insane; many are professional agitators who are plainly self-seekers and a large number are potential or actual criminals whose baseness of character leads them to espouse the unrestrained and gross theories and tactics of these organizations. If there be any doubt of the general character of the active leaders and agitators amongst these avowed revolutionists, a visit to the

Department of Justice and an examination of their photographs there collected would detect it. Out of the sly and crafty eyes of many of them leap cupidity, cruelty, insanity and crime; from their lopsided faces, sloping brows and misshapen features, may be recognized the unmistakable criminal type.

Obviously, it has been impossible, under our form of government and under existing statutes, to deal with this ultra-radical movement as a whole. It has been necessary to deal with individuals, to utilize such laws as are on the statute books, and to ask the Congress for such further legislation as seems to be necessary. The only practical plan for dealing an effective blow at the movement was through the application of the deportation statute, which provides for the deportation of aliens who believe, teach or advocate the overthrow of the Government of the United States, or all forms of law or organized government by force or violence, or the assassination of public officers, or the unlawful destruction of property, or are members or affiliated with organizations having such objects. The procedure under the deportation law is in no sense a criminal proceeding. It is part departmental, part judicial. It provides for a warrant to be issued by the Secretary of Labor, at Washington, only upon presentation of evidence sufficient to create a belief in the probable guilt of the alien under the law. The warrant must contain a full statement of the charges for the

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information of the alien and an opportunity is given him to furnish bail for a hearing. So far as I know, reasonable bail has never been denied by the Department of Labor in these actions. The alien is entitled to be represented by counsel, where he is confronted with the evidence against him and given full opportunity to produce evidence in his own behalf. A record of the hearings is made and certified to Washington, together with briefs and arguments of counsel, and then final action, either for or against deportation, is taken by the Secretary of Labor. The alien may, of course, at any time have the benefit of a writ of habeas corpus, upon which his case may be reviewed in court.

The ultra-radical press has been vociferous in calling these proceedings inquisitions and denouncing them as star chamber proceedings, and much misrepresentation of the conduct of the Department of Justice and of the Department of Labor in these cases has been indulged in by sympathizers of the alien anarchists. It is one of the curious ironies of the situation that the very people who are loudest in denouncing constitutional forms of government, when arrested under this statute insist most vehemently upon all their constitutional rights. Every safeguard has been thrown about the proceedings to make certain that the lawful rights of no individual are invaded.

Of course, the government cannot be deterred by misrep-

resentation and slander of its officials. ~~and~~ The people ought to be warned against accepting such accusations at any part of their face value. I recall a statement given out by Emma Goldman after her original hearing before the Immigration Inspector at Ellis Island. Two representatives of the Department of Justice were present at that hearing under instructions to take every possible precaution to see that she had a fair trial. At the outset of the hearing, Goldman's counsel submitted as part of the record a written "protest and objection" offered by her. This was admitted, although it had no bearing upon the facts or law involved. Thereafter, on advice of counsel, Goldman refused to answer any questions and, although given ample opportunity, submitted no evidence in her own behalf. She attempted no defense. Yet her protest and objection, filed before the hearing, contained accusations of alleged unfair inquisitorial methods used at the hearing and, of course, gained wide publicity.

The government's first efforts were directed against individual agitators, amongst whom Emma Goldman and Alexander Berkman were perhaps the most conspicuous. Many other active and dangerous persons were apprehended and held for deportation. It was soon learned, however, that the individual agitators were so migratory in their habits and so cautious in their oral utterances that it was quite difficult, if not impossible, to pick them off one by one. In the meantime, such evidence had been accumulated against groups and organi-

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zations and it became apparent that if a particular organization was shown to be unlawful, a proper foundation could then be laid against all aliens who had signed pledges of membership in such organizations. Under this plan, simultaneous arrests of officers and leaders of the El Ariete Society, and afterward of the Union of Russian Workers, were made in many cities, proof of membership and of alien character adduced and the anarchistic purposes of the organizations proven, which finally resulted in the deportation of 247 persons in the Buford--nicknamed by somebody the "Soviet Ark". The gathering of the evidence in these cases was a large and difficult task, involving immense labor on the part of the Bureau of Investigation of the Department of Justice, whose splendid work in this important undertaking I am glad to publicly commend.

In the meantime, the Communist and Communist Labor parties were born. Their organization, membership, tenets and tactics were carefully watched and noted by the Department of Justice, the active spirits amongst them were located and finally, on the 2nd of January, simultaneous arrests were made in thirty or more cities, in which more than three thousand alien members of these parties were taken into custody and delivered to the immigration authorities. Since that time, hearings have been conducted.

I am constrained to believe that these activities on

the part of the government have halted the advance of "red radicalism" in the United States and that what once seemed like a serious menace of organized revolution has been successfully met. Peace and order have, in the main, been maintained and the public has learned to recognize the horrible face of Bolshevism under the disguise of political parties; labor unions have largely purged themselves of these crafty "borers from within"; it has come to be plainly seen that this is no fight between capital and labor, as the ultra-radical agitators insist, but that it is a fight between organized government and anarchy.

But I would not give the impression that the danger is entirely passed. The vigorous enforcement of the law must be continued and the law must be strengthened in order to punish the citizen for the offenses of which the penalty for an alien is deportation. Already there are evidences of re-organization of the revolutionary groups so as to escape the operation of deportation statutes. Naturalized citizens, who as individuals are immune under the present Federal laws, are taking the lead, feeling safe by reason of the difficulty of the Government's making a case under the conspiracy statute.

There are only two sections of the Federal criminal code which may be invoked in dealing with "red radicalism". One is Section 4, which makes it a crime to insite, set on foot, assist or engage in any revolution or insurrection against

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ention under any general Federal statute; and should he actually proceed to the Capitol and actually explode a bomb with that purpose and with the plain intent of doing injury to the government, he would commit no crime under general Federal laws, except possibly that of defacing or destroying government property. In most instances the local laws either of the District of Columbia or of the various States and Territories might be invoked. A man would commit murder if he assassinated a public officer or be guilty of malicious mischief if he injured his home in an effort to assassinate him. But the crime is one which is not directed against the person or property of the officer, but against the Government of the United States. Officers of the Federal government, charged with the duty of protecting the government, plainly ought not to be required to depend upon local laws and local law enforcing officers to deal with situations of this character.

Those who perhaps lack the physical courage to commit acts of violence directed against the government, but who nevertheless urge others to their commission by the open threat, or promise, or advocacy, written or spoken, of acts of physical force or violence, should be held equally responsible with the deluded wretch who may thus be induced to commit criminal violence. To my mind, the ignorant anarchist who shot down President McKinley was no less guilty than the more intelligent anarchist leader whose theories and teachings

led him to commit his crime. Grueloss was punished with dispatch, but it has taken nearly twenty years for justice to overtake his teacher when Emma Goldman was finally deported.

Perhaps there can be no better illustration of the typical way in which the Third International operates to further its revolutionary intrigues than the connection between it and the recent so-called out-law railroad strike which began at Chicago in April of the present year. In the bulletin of the provisional bureau at Amsterdam of the Communist International, published in February, 1920, is the following characteristic statement, "Therefore we appeal to the workers of all countries to follow this example and with the utmost energy to wage the war for their deliverance. They must attack and undermine capitalism, enfeebled already, and the bourgeois state-power, by ceaseless mass action (demonstrations, strikes).". The American delegates were in attendance upon the Amsterdam conference purposely to lay plans for cooperation in this direction. The Communist party in America was already committed to this policy and there is in its manifesto and program a positive assertion that, "The Communist Party must engage actively in the struggle to revolutionize the trade unions. As against the unionism of the American Federation of Labor the Communist party propagandizes industrial unionism and industrial union organization, emphasizing their revolutionary implications. Industrial Unionism is not simply a means for the every day struggle against capitalism; its ultimate purpose is revolutionary, implying the necessity of ending the capitalist parliamentary state. Industrial Unionism is a factor in the final mass action for the conquest of power, as it will constitute the basis for the Industrial administration of the Communist Commonwealth.

"The Communist Party recognises that the A. F. of L. is reactionary and a bulwark of capitalism.

"Councils of workers shall be organised in the shops as circumstances allow, for the purpose of carrying on the Industrial Union struggle in the old unions, uniting and mobilizing the militant elements; these councils to be unified in a central council wherever possible.

"It shall be a major task of the Communist Party to agitate for the construction of a general industrial union organization, embracing the I. W. W., the W. I. I. U., Independent and Secession Unions, Militant Unions of the A. F. of L. and the unorganized workers, on the basis of the revolutionary class struggle.

"The Communist Party and the I. W. W. have been working in close connivance in the United States.

"In papers taken from a Communist courier on his way to the United States, (March, 1920) G. Zinoviev, as President of the Executive Committee of the Communist International, appealed to the Communist Party in America as follows:

"The Party must take into account the every-day incidents of the class war. The stage of verbal propaganda and agitation has been left behind; the time for decisive battles has arrived. The most important task confronting the American Communists at the present moment is to draw the wide proletarian masses into the path of Revolutionary struggle. The Party must have for its goal the dissolution of the American Federation of Labor, and other Unions associated with it, and must strive to establish the closest connection with the I. W. W., the One Big Union, and the W. I. I. U., The

Party must support the formation of factory workers' committees in factories, thus serving as basis for the everyday struggle and for training the advance crowd of labor in managing industry".

"The I. W. W. should take the initiative in trying to establish a basis for uniting all unions having a class conscious revolutionary character, such as the W. I. I. W., the One Big Union, and insurgents from the American Federation of Labor".

At a meeting of the general executive board of the I. W. W., in the Autumn of 1919, the following resolution was carried:

"Resolved, The Soviet Republic of Russia in its call for the organization of the Third International, including the I. W. W. as one of the bodies eligible to such new International, and,

"Whereas, The I. W. W. is the only revolutionary organization in the United States whose program is absolutely scientific and uncompromising, and is the logical American unit of the Third International, and,

"Whereas, The Proletarian Revolution is world-wide and not national or local in its scope,

"Therefore, The time has come for the I. W. W. to assume its proper place as the American Unit of the Workers' Red International and to establish closer relations with groups of the same or similar principles in every country, such as the Communists of Russia, Hungary, Bavaria, etc., the Spartacists of Germany, the Syndicalists of France, Italy and Great Britain and other countries, and the International Unionists of Canada and Australia; therefore, be it

"Resolved, that the I. W. W. shall create a committee on International Relations, which shall at once establish and maintain correspondence and

Confidential relations with such aforesaid revolutionary groups throughout the world and shall provide for the representation of the I. W. W. as a constituent member of the Third International".

After the collapse of the steel strike a number of the more radical men who had been leaders in that enterprise and were of I. W. W. affiliations, engaged in the endeavor to promote the railroad strike of April. Lists of all railroad men who were members of the Communist Labor and Communist parties were sought, and names of all railroad men opposed to the present management of the Brotherhoods, were also collected. Meetings were held in the Continental Hotel in New York, Great Northern Hotel in Chicago, Park Avenue, and other places, at which the plans were laid.

The fundamental agitation of these leaders was the destruction of the Railroad Brotherhoods, the removal of their leaders, and establishment of the ONE BIG UNION. At first it was intended that the I. W. W. should not publicly figure in the strike, but Gruman, in Chicago, deviated from the original plans and allowed the workers, who were for the most part innocent dupes in the business, to split the strikers into four separate organizations. This caused some dissension, which has resulted in the movement for the Railroad Workers' ONE BIG UNION. Several conferences were held at the I. W. W. headquarters in Chicago and at other points in that city. Gruman had gone too far with the four organizations to turn back, and the only way THE ONE BIG UNION could be given a start was through the Railroad shopmen, who would be urged to strike under the ONE BIG UNION banner and thus persuade Gruman's organizations to reorganize and join them.

It was realized that the I. W. W. could not make headway, because of the prejudice or fear of the three letters, and the fact that the men would not work

up to organization under their auspices. However, the Railroad Workers' ONE BIG UNION was decided upon as a cover for the I. W. W. One Bidwell, a member of the newly formed Chicago Engine Men's Association, replaced Granci. Bidwell is confident he can swing the four organizations into the ONE BIG UNION IIBA, provided the R. R. chyman follow on his plans.

The direct connection, under cover, of the I. W. W. with other bodies of workmen in different parts of the country who engaged in the April strike, is positively established by documents in the possession of the Department of Justice.

I have hurriedly reviewed the revolutionary movement elsewhere in the world, ~~show~~ its international plan, scope and purpose, and have tried to give you some idea of the progress it has made in this country. I have also touched briefly upon the efforts of the Department of Justice in the enforcement of such meager laws to meet the situation as we found upon the statute books. For it must be remembered at all times that, practically speaking, the deportation statute is the one law which affords any adequate remedy for revolutionary efforts by way of force and violence or the threat or promise thereof. A citizen, of course, cannot be deported. As far as the Federal Laws go, he cannot be punished for a threat or attempt to injure or destroy the government by physical force or violence, unless the government is able to prove conspiracy, always a difficult, frequently an impossible thing to do.

To adequately cope with the Red menace, to keep the peace and maintain order in the country in the way the American people expect it to be done, two things were necessary: first, the rigorous, unflinching and expeditious enforcement of the deportation law, and second, the passage of a simple statute, carefully guarding the right of free speech, but providing punishment for the use of force or the threat of violence to injure the government or destroy its institutions.

I am firmly convinced that the preponderance of American public opinion supports both these things. I am firmly convinced our people want to send back to his own country the plotter who seeks to transplant the chaos of unhappy Russia upon our shores; I am equally convinced that our

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people want to mete out proper and severe punishment to the citizen, native or naturalized, who joins forces with the alien anarchist in his wicked attempts to injure the government whose policy of protection to the weak and oppressed alone makes his presence here possible.

But there has been from the beginning an element of loud and critical opposition to this thoroughly American policy of law enforcement for America's self-protection.

The Department of Justice is encountering now the opposition not of an individual, but of a view-point and of a class, a class which has seen fit to subject the Department and the Attorney General to misrepresentation, abuse, vilification and ridicule.

This, I am glad to say, has not emanated from organs of partisanship, proverbially hostile under the American tradition, and usually innocent because so understood, but from the ultra-radicals themselves, and from elements of our people and of our press professing a superior, "advanced" point of view, contemptuous of the existing order in all fields, and devoted to critical agitation for constant change in our institutions, our laws and all our processes of government.

These elements are never sincerely sympathetic with the administration of law and order, which they, in their elevated philosophy have regarded as the cruel instrument of injustice rather than the only safe instrument of progress. They are never heartily loyal to the national ideals, since their own notions of perfection seem to them infinitely more worthy of respect. They will point to more defects in our institutions in an hour, than to

revolutionary literature and appointed themselves to act the part here of
spokesmen and apologists and helpers of a set of people and of a program,
which, in right American opinion, must remain forever condemned as inherently
wrong and impossible. Every active man must have a feeling toward opposition
of this character very much like that which a soldier must feel in the trenches
when he is annoyed and distressed by mosquitoes and flies, and vermin and mud
and pelting rain and similar necessary hardships which a soldier at the front
accepts without complaining.

As a personal concern, I would make no attempt to answer. But I wish you
to understand that the body of these people is the favorable culture into which
the revolutionary agitators place their germs of social treason, and that it is
here they grow most rapidly and from here that they are able to do a great deal
of damage.

They do it in the press constantly by misrepresentation and deliberate
distortion of the news according to their sympathies and predilection.

They do it in the churches by departing from the proper offices of religion
and substituting elaborate excursions of intellectualism into fields of
sociology and of political science concerning which they have but imperfect
knowledge and a very poor understanding.

They do it in the circles of the labor organizations. By their loose
talk and mistaken ideas, they strive to delude and inflame more conscientious
and more practical leaders of laboring men.

They do it in politics by the old cry of "holier than thou", and by

Their merits in a lifetime. They find nothing so beautiful in the past as its mistakes, nothing so interesting in the present as its symptoms of trouble, and no prospect so fearful for the future as the possibility that national contentment may remain.

People of this sort, especially in the columns of our so-called "liberal" press, have showered and bedaubed the Department of Justice with their muddy complaints from the moment when, in connection with the other proper federal authorities, last November and in January, it proceeded to move against alien revolutionary parties. They rushed into the breach of alien Bolshevik defense. They were against the law in this matter and against the policy. They were of the opinion that Bolshevism should be allowed to plot and propagate here without the least discouragement or hindrance. They hailed the advent of Bolshevik revolution, yet as, what normal men have known it to be, the most brutal, the most corrupt, ~~and~~ the most wickedly fatuous insurrection of mob ignorance in all history, but as an event of triumphant social virtue, led by sublime genius and consecrated to the uplift of the toiling masses. They were deluded. They shut their eyes deliberately upon the true aspects of the Communists bloody and unprincipled dictatorship, its criminalities of assassination and terror, its robberies of expropriation, its unspeakable tyrannies of minority control, its suppression of the press, free thought and voluntary industry, its treasons to national honor, its wreckage of property, its barbarities upon women and children, its persecution of religion, its thousand and one iniquities of incompetence and filth, while they swallowed greedily the propaganda of

forgetting the necessary limitations of human nature and trying to install
Utopian institutions in an age of frailty. They become demagogues and pro-
fessional performers and they obstruct real progress.

They do it in the schools by perverting the minds of the young.

They are unrealizing in all this, for most of them are sincere
and well meaning enough and do not appreciate the dangers into which their
teachings may lead persons less capable of discrimination between philosophy
and action. Words of theory are often the triggers which explode acts of
violence.

With this class of people, Mr. Chairman and Gentlemen of the Com-
mittee, all good Americanism must take flat issue. We are not living in
an ordinary time when it is safe to try out fantastic theories, whose successful
operation implies forcible changes in our form of government. We are living
from
in a time which compels/mallows the loyalty and effort we can muster toward
the praise, support and the maintenance of American democracy and its manifold
triumphs of accomplishment; its magnificent traditions and its heroic example;
its splendid and appropriate institutions. I have in mind an expression
which Robert Louis Stevenson used in one of his novels: "Well sir, the
great thing for the good of one's country is, first of all, to be a good man.
All springs from there."

To be a good man, today, for an American, is to be a loyal and
confident believer in the American method of making progress, through the in-
stitutions of law and order and in constant accord with the plan of the fathers
whose wisdom, vision and sacrifice gave to us a priceless heritage of civil
liberty, happiness and prosperity, the fullest, the truest, the richest in
all the world.

(1)

CHARGES THAT EXCESSIVE BAIL HAS BEEN DEMANDED BY
THE DEPARTMENT OF JUSTICE.

It has been stated by Mr. Post that excessive bail has been demanded to keep men in jail when they have been arrested.

In the cases of EMMA GOLDMAN and ALEXANDER Berkman, the Department of Justice insisted upon not less than \$15,000 bail. I believe that the Committee can well appreciate the necessity for such bail in the cases of two such notorious anarchists.

It is submitted that the purpose of bail is, in the last analysis, the securing of the attendance of the person concerned. In determining the amount necessary to attain this object the Department of Justice has used as its guide the experience of the Government in previous similar cases.

There have been cases of alien anarchists, against whom deportation proceedings were instituted, wherein the aliens were subsequently released on bail fixed in the usual sum of \$1,000 and the immigration service was unable to execute the warrant of deportation when issued because of the disappearance of the aliens between the time of release and the issuance of the orders for deportation.

A notable instance is that of RUGGERO BACCINI, a follower of the notorious "Gulliani" of "Cronaca Seversiva" fame. Baccini was located and apprehended by Agent Drew of this Department in Paterson, N. J., on May 16th, 1918. Baccini was removed to Ellis Island, given a hearing under the Immigration Act and released on \$1,000 bail. (See photostat copy of letter from the Acting Secretary of Labor, #54379/49, dated July 2nd, 1919, attached).

After his release he took an active part in the bomb plot of June

end, 1919. Without disclosing the nature or source of our information at this time, (to do so would be highly detrimental to the Government's interests) it may be stated that he engineered the explosion of the bomb on that date at the home of the President of the Banana Silk Co., in Paterson, N. J., (Mr. Klotz); just previously several men had been discharged therefrom for agitation, two of them being members of the "Ira Nuova Group" of anarchists, one acting as spokesman for the disaffected employees. Subsequent to this dastardly attempt to murder Mr. Klotz and his family, which also would have involved the family in the adjoining house, the bomb having been exploded between the two houses, (photos of the effect of the explosion being attached) Baccini departed for Italy, where he is at present, according to our information, assisting Galliani in the publication of "Gronaca Sovversiva", at Genoa, Italy. The result is that the order of deportation has never been executed.

As a result of the investigations of the Department of Justice, there were recently apprehended some of Baccini's associates and the investigation is still proceeding. Meantime, the Department of Justice has requested the Secretary of Labor to institute deportation proceedings with respect of said associates.

Another instance is that of Robert Parsons, an alien anarchist, who was apprehended in Paterson, N. J., through the investigations of the Agents of the Department of Justice in Paterson, N. J., and against whom deportation proceedings were instituted at the initiation of said agents. Parsons was taken into custody on an immigration warrant on May 1st, 1919, and subsequently released under \$1,000 bail. Under date of November 18th, 1919, the Assistant Commissioner of Immigration, in his letter #54616/163, advised this Department

that the Department of Labor had on that day (November 18th) issued its warrant directing the deportation of Parsons to Canada. This warrant has never been executed and our information is that Parsons went to Canada and from last reports was in Toronto. (Photostat copy of above mentioned letter is attached). It may be stated that at the time of Parsons's arrest he had a large supply of the issues of the "Anarchist Soviet Bulletin", which he was distributing.

While Parsons was at large and before the issuance of the order of deportation, the Department of Justice requested that the bail be increased and the Assistant Commissioner of Immigration in his letter #54616/163, dated August 25th, 1919, stated as follows:

"You will note that our Ellis Island office is of the opinion that their present bonds are safe guarantees of surrender upon the basis of evidence now in their possession."

(Photostat copy of above mentioned letter attached).

It would be interesting to know whom what premises the Ellis Island Office predicated its opinion that the "present bonds" were a safe guarantee of the surrender of the alien when desired.

Mention has been made before this Committee of the question of excessive bail in the case of JOHN DUDINSKY and in which the Department of Justice recommended that the bond in this case be not less than \$10,000 and which recommendation the Assistant Secretary of Labor overruled and fixed the same at \$1,000. In the recommendation made, the grounds for the increase in bond was based upon the fact that DUDINSKY had been a delegate to the COMMUNIST PARTY Convention in Chicago, at which time its Manifesto was adopted, and that he was an organizer in the State of New Jersey for the Communist Party and had actively participated in its councils.

He is well known to the state authorities of New Jersey, as well as to the federal authorities, and in view of his particularly aggressive and pernicious activities the recommendation for \$10,000 bail was deemed warranted. The Assistant Secretary of Labor, I believe, has maintained that the facts set forth in the recommendation were not sustained in the record. At this time, I desire to call the Committee's attention to a fact which I believe has been entirely ignored; namely, that under the ruling of the Assistant Secretary of Labor, the function of the Department of Justice ceases as soon as the warrant of arrest is issued. The Department of Justice is not accorded the privilege to present evidence at the hearing, to examine witnesses, to cross-examine witnesses, nor to review the record when completed. I fail to find in the files of the Department of Justice any request from the Department of Labor to the Department of Justice to substantiate the facts set forth in its letter recommending an increase of bond in the DUDINSKY case. It occurs to me that had the Assistant Secretary been desirous of enforcing the law that he would have called the attention of the Department of Justice to the fact that the statements set forth in the letter of recommendation were not borne out in the record and that he would appreciate it if the Department of Justice would submit the necessary evidence. Such was not done and the first knowledge we had of the fact that the record in the Labor Department was defective was when the Assistant Secretary appeared before this Committee and made the statement to that effect. In his statement the Assistant Secretary said the inspector is not a prosecutor. If such be the case, then it surely should follow that at least some branch of the government should perform the functions of counsel for the people. I might say in closing with the DUDINSKY case that on the night of May 11th, 1930, after DUDINSKY had been released by the Assistant Secretary of Labor, a meeting was

held at No. 57 Beacon Street, Newark, N. J., composed of members of the UNION OF RUSSIAN WORKERS, COMMUNIST LABOR PARTY and COMMUNIST PARTY OF AMERICA, for the purpose of re-organizing all radical groups. At this meeting the following named persons were present:

SAM LA GRANSKY, Secretary of the Communist Party and in which case the Department of Justice recommended that his bond be fixed at not less than \$10,000.

JOHN KOLTSOFF, arrested on January 3, 1929, under immigration warrant.

GEORGE ARLOV, member of the organizing committee of the Communist Party and arrested on January 3rd under an immigration warrant.

ROMAN KUNISIGA, arrested on January 3rd under an immigration warrant and in which case recommendation was made by this Department that bail be fixed at not less than \$10,000.

JOHN DUDINSKY, the subject's case now under discussion.

EMILIAN VLASOFF, member of the Union of Russian Workers and an anarchist.

This group, all of whom had been released by the Department of Labor, met but two weeks ago after the ruling of the Department of Labor upon the Communist Labor Party for the purpose of endeavoring to join together again for revolutionary activities. At the meeting on May 11th, Koltsoff, who claims to be in close touch with Martens, stated to the group that he had been informed by a member of the Martens' staff that the decision of the Department of Labor upon the Communist Labor Party, would be upheld and that the Communist Labor Party will have the best opportunity to organize all of the working classes of America to seize industries and when that is accomplished the overthrow of the present government will be a minor thing. It will thus be seen that the recommendation of the Department of Justice for bond of \$10,000 in these cases was not wholly unwarranted. These men had been arrested on January second for revolutionary activities, after careful investi-

gation by the Department of Justice. In view of the meeting of May 11th, it would appear that that recommendation was well warranted. I cannot concede the point that the government should go to the expense of arresting a wilful violator of the laws of this country and release that violator upon an insignificant bond which in no way deters him from again committing his act, nor insures his presence when desired.

Another instance which may be well for the committee to consider, wherein this Department witnessed the result of fixing a low bond in the case of a pernicious agitator, was the case of ALEXANDER STOCKLITZKY, an alien arrested upon a warrant of the Secretary of Labor in August, 1919. This alien was arrested for his communistic activities, as well as for his threats of force and violence. He was accorded a hearing in September, 1919, and released upon \$1,000 bond over the objection of the Department of Justice. He proceeded to Gary, Indiana, during the course of the steel strike and there openly urged the workers to seize the guns and turn them on the soldiers - the soldiers of the UNITED STATES - who were there to preserve the laws of this country. Again the Department of Justice urged that bond be increased to \$10,000 and again its recommendation was ignored. Stocklitzky was directly instrumental for the formation of the COMMUNIST PARTY in the United States; he was a typical, vicious Russian agitator. Four times the Department of Justice recommended that this man be taken into custody and released upon not less than \$10,000 and not once was its recommendation acted upon, until December 15th, 1919, when the Department of Labor did order Stocklitzky to surrender himself and to date they have been unable to find him. This is an instance wherein \$1,000 bond was fixed and an active agitator has worked to the detriment of the interests of the United States. After experiencing such instances, I have consistently recommended \$10,000 bonds in all cases of aliens who have been actively identified or

actively responsible for the revolutionary movement in the United States and I maintain that my recommendation has been well warranted and based upon the facts ascertained by the Department of Justice, for in many instances where the agitators have been released upon small bonds, they but go back reinforced in their determination to agitate against the government as is shown by the meeting in Newark, N. J., on the night of May 11th.

Another instance which it may be well for the Committee to know of is that of MATTHEW PURSHMAN, an agitator and a member of the UNION OF RUSSIAN WORKERS, who was arrested on the night of November 7, 1919, in the city of Philadelphia, while delivering a lecture at a meeting of the Union of Russian Workers. Spread out upon the table before Purshman while he was addressing the meeting was a notebook of notes made by him, as well as a copy of NOVIMIRSKY'S Manifesto upon Anarchism, which was published by the Union of Russian Workers and in which open advocacy of force and violence appears. Both of these books were open and it was apparent that Purshman was basing his lecture upon the contents of his notebook, as well as "Novimirsky's Treatise upon Anarchy". Purshman was taken into custody and finally ordered to be deported after many representations made by the Department of Justice in this case. In addition, there was obtained against Purshman on the night of his arrest other correspondence showing that Purshman had been actively identified with the Union of Russian Workers, an anarchistic organization, and in view of the fact that he was taken into custody in the act of delivering a speech, the Department maintained then and maintains now that it had a perfect case against the individual which was sufficient to warrant deportation. Deportation was ordered, but his attorneys made representations to the Department of Labor to the effect that if Purshman was deported to Russia, such deportation would be disastrous to him physically, as it was claimed that he had but one lung and was

suffering from tuberculosis. I am not aware as to the actual physical conditions of this subject as found by the medical examiners, but I do know that even though he had but one lung it was sufficiently strong for him to deliver to a group of Russians, non-citizens of the United States, a lecture on anarchism. I recommended that he be among those to sit on the "Buford", but my recommendation was ignored and to-day Purkman is at large upon \$1,000 bond. I believe that when a man is apprehended in the act of delivering to aliens a lecture swelling with revolutionary doctrines, dealing with the employment of the principles of anarchism, that a subsequent claim of physical disability should not deter the government from the enforcement of the act. It seems to me if such a subject had been so physically incapacitated he would not have had sufficient strength to deliver such a lecture.

The claim has been made that the Department of Justice has recommended excessive bail in order that the alien may not be permitted to be at large. Such is not true. The purpose of the Department of Justice for asking bail in \$10,000 or \$15,000 amounts is not based upon the desire of preventing the subject from obtaining bail, but is based upon the fact that a person who is an active and pernicious agitator should be required to furnish bail in sufficient amount to guarantee his production which was not done in the case of ALEXANDER STOCKLITZKY. It might be of interest for the Committee to know some of the facts in the case of MARTENS, the so-called Bolshevik Ambassador in the United States. I do not believe that any one will maintain that Mr. Martens is financially embarrassed, for it is a well known fact that he has ample funds, both in cash and precious gems. The Department of Justice prepared the case for deportation against Martens, clearly showing that Martens was a member of an organization which had

for its purpose the overthrow of the government of the United States by force and violence. A warrant of arrest for Martens was requested by the Department of Justice, with recommendation that bail be fixed at not less than \$10,000. Mr. Abercrombie, then Acting Secretary of Labor, issued the warrant of arrest and fixed the bail at \$10,000. Subsequent thereto, however, Mr. Post cancelled the bail and released him into custody of his attorney. I cannot see the justification of this act. Martens, it was well known, was well supplied as I have stated with funds and could have met the obligation of furnishing \$10,000 bond. A member of his staff, GREGORY WEINSTEIN, was arrested and bond fixed at \$10,000 in his case and promptly furnished. Certainly it could not be claimed that the reason for the cancellation of bond in the Martens case was based upon the fact that to have fixed bond at \$10,000 would have resulted in Martens' detention, so the argument made upon that point by officials of the Department of Labor, I do not believe would stand examination.

Reference has been made before this Committee to the case of PAUL BOSSO, an alien whose bond was reduced to \$1,000 by the Secretary of Labor, it being claimed that to have held him at a higher bond would have resulted in his detention, since he was financially unable to furnish that amount. It might be incidentally stated that the Department of Justice made no recommendation in regard to the bond in the Bosso case, but it has been inferred that the Department of Justice would have approved a bond of \$10,000. I, without any hesitation, will state that the Department of Justice does feel that Paul Bosso should have been held in custody until bond of \$10,000 was furnished, in view of the pernicious character of this individual. Upon completion of his sentence at the penitentiary, he specifically said he would like to have seen the red flag waving over the American flag. My

idea of Americanism and the preservation of its institutions would never lead me to believe that such a remark was made in a facetious mood. Examination of the character of Paul Rose is clearly indicative of the nature of that individual and that statement plainly shows his ultimate desire and purpose. Any alien giving expression to such sentiment after having been convicted and served sentence, to my opinion, should not have been released upon less than \$10,000 bond.

Considerable comment has been made in the daily papers and certain correspondence has been published by the Department of Labor upon the case of ROBERTO ELIA, an alien taken into custody in the city of New York. In that case a warrant of arrest was issued by the Department of Labor in March 1920, upon the request of the Department of Justice. I might state for the information of the Committee that in February, 1920, a raid was made upon a group of anarchists in the city of Paterson, N. J., and from the evidence obtained at that time certain investigations were started in New York City which resulted in the apprehension of two Italians; namely, ANIBRA SALSEDO and ROBERTO ELIA. Upon their arrests, both of these men frankly admitted that they were anarchists and ~~the~~ ^{the} statement was obtained warrants of arrest were immediately issued by the Department of Labor. Subsequent to ~~that~~ ^{insurance} and before service of the warrants could have been effected, SALSEDO and ELIA disclosed some very important information in connection with the bomb plot of June 2nd, 1919, and with their consent and the consent of their attorneys they remained in the Department of Justice Building in New York City until the information furnished by them could be verified and other persons interested in the bomb plot could be located. Salzedo admitted that he had printed "PLAIN WORDS", a pink circular found at the various residences bombed on the night of June 2nd, and Elia admitted that he was in the print shop when the circular was

printed; that he was there when it was delivered to CARLO RICCI, and that he (Elia) had been connected with the notorious anarchist GALLIANI, who has now been deported; that he (Elia) had participated in the printing of the "Gronaca Sovversiva", one of the most vicious anarchist papers in the United States; that he (Elia) was interested in the printing of the "L'Era Nuova" and "Domani", and was well acquainted with many notorious terrorists in the United States. As stated, Elia remained voluntarily with the consent of his attorney at the Park Row Building of the Department of Justice, and his presence there was unknown to the general public until Salsedo committed suicide this month. Then, of course, the fact of the presence of Elia in the Park Row Building became known and the Department of Labor took occasion at that time by implication and innuendo to claim that the Department of Justice had been exceeding its authority in holding Elia, and I believe the Assistant Secretary directed an investigation of the matter at Ellis Island, to ascertain whether or not the warrant had ever been served and to endeavor to prove that the Department of Justice was holding Elia without warrant. He did not inquire of the Department of Justice as to the facts in the case. He did not know that Roberto Elia had willingly stayed in the office of the Department of Justice and his attorney DONATO had consented to his presence there. Elia was never questioned except when his attorney was present. The death of Salsedo handicapped to a certain extent the investigation being made by the Department of Justice, for the individuals who were under surveillance naturally became more cautious in their movements and some of them have disappeared entirely. In view of the attitude of the Department of Labor, Elia was immediately turned over to the authorities at Ellis Island. When he was transferred to the Labor Department, request was made by the Department of Justice for bond to be

fixed at not less than \$15,000, in view of the fact that Elia was actively identified with the bomb plot of June 2nd.

I submit to the Committee the proposition that any alien who has admitted that he is an anarchist and has been one for many years; that he was an intimate associate of Galliani, one of the most notorious anarchists in the United States; that he participated in the printing of "Gronaca Sovversiva", a vicious anarchist newspaper; that he was interested in the printing of the "L'Era Nuova", an anarchist newspaper; that he was interested in the printing of "Domani", a vicious Italian newspaper, published in the city of New York; that he was present when Carlo Recchi came to his print shop and conferred with him and Salsano for the printing of "Plain Words", the circular in which open advocacy of murder appears; that he was present when this circular was printed; that he was present when the circular was delivered to Recchi and that he was on intimate terms with the leading terrorists in this country; I submit to the Committee that when these facts appear against a man, the Department of Labor would be well warranted in fixing his bond at \$15,000 and more.

The Statement has been made that if Roberto Elia was in fact actively identified with the bomb plot that he should not be deported, but that he should be criminally prosecuted. It seems to me that it would be folly for the Government to prosecute its own witness. All anarchists live in fear and terror of their own associates and comrades, and if Roberto Elia was released upon a nominal bond, it is but natural that he would disappear entirely, in order that he might not be compelled to testify in a criminal court against his associates. I do not find in the letter addressed to the Department of Labor, in which bail was requested at \$15,000, that the Department of Justice specifically asked that Elia be deported at once. Even after deportation is ordered, the carrying out of the order is often suspended pending the outcome of other proceedings. It is customary in many cases to have

warrants of arrest issued by the Labor Department and the same stand in abeyance until the charges in the state or federal courts have been disposed of. I cite the case of MOLLIE STIMER, in which case a warrant was issued by the Department of Labor and now Miss Stimer is confined in the Jefferson City penitentiary, serving a term of fifteen years for a violation of the Espionage Act. Prior to her incarceration in the Jefferson City penitentiary, she was at Blackwell's Island, serving a term of six months for the violation of the New York laws. So, there is nothing novel in the ELIA case which would subject it to criticism by any one who is fully conversant with the facts.

It has been particularly exasperating to the Department of Justice to find after a man has been arrested and the pernicious nature of his activities clearly established that he should be released upon a minimum bond which in no way is sufficient guarantee for his production when desired and is far from a guarantee for the best interests of the United States. In connection with this particular phase of the bond question, it might be well to make mention of the attitude of the Department of Labor in its delay in deportation after the same has been ordered. I do not believe that the Assistant Secretary of Labor is in favor of the same method of deporting aliens as was followed in the "Buford" case. Incidentally, the Assistant Secretary, Mr. Post, had nothing whatsoever to do with the "Buford" matter. That matter was effected without his assistance. At the present time there is no deportation going forward toward Russia, though the War Department and the Department of Justice has been ready to make the necessary arrangements.

A notorious case which has been the subject of considerable comment, both in and out of official circles, is the case of ALEXIS GEORGIAN, a case which I believe it would be well for this Committee to inquire thoroughly into, if it

has not already been done by the Committee of Immigration. I understand that a large portion of the file in the Alexis Georgian case has disappeared and it may be this portion of the file that would prove of most interest to the Committee. The Alexis Georgian case has been pending for over a year. In his behalf, strong influences have been brought to bear and requests have been made by the Department of Justice frequently for his deportation. On May 28th 1919, nearly a year ago, the Acting Secretary, Mr. Abercrombie, stated that it had been found that Alexis Georgian had advocated the overthrow by force or violence of the Government of the United States; that he had been found to have been advocating the unlawful destruction of property, and that a warrant of deportation had been issued by the Department of Labor. Subsequent thereto the file in the Georgian case was opened for inspection to the Minneapolis Labor Review, and this act in itself was sufficient to have exposed to assassination men in the secret service of the State who had gathered the evidence against Georgian. After many communications had passed between the Governor of the State and officials of the Government, and after frequent requests from the Department of Justice, Alexis Georgian was finally moved to Ellis Island in December, 1919. He had owned in the city of St. Paul a book shop at which radical literature of all nature was sold. His reputation in the State of Minnesota had been most odious, incensing the public opinion to such an extent that representations were made to members of the United States Senate and to the President himself, urging that the warrant of deportation be carried out. Upon his removal to Ellis Island a writ of habeas corpus was sued out in the United States District Court for the Southern District of New York, and when Judge Knox, who presided in the case, called for the evidence in the case, it was found that one-half of the exhibits in the case upon which the warrant of

Deportation had been issued had disappeared in a most mysterious manner. The Department of Justice again came to the rescue and obtained duplicate copies of the missing evidence where it was possible. I have the decision of Judge Knox, which I believe should be made a part of this record, in which he reviewed the evidence upon which Georgian was ordered to be deported and in which he came to the following conclusion:

"His purpose was to aid in fanning the fires of discontent and while within limits, this may be entirely lawful, the purpose he had in mind was I think the forcible overthrow when convenient of this government".

The attitude of Georgian himself may be appreciated by the following statement made by the subject:

"Here I will put President Wilson on the bum; I don't give a damn for the President of the United States or anybody else. Russia is the only place. They don't dare to do anything to me. I am not an American citizen".

Judge Knox dismissed the writ of habeas corpus and remanded the alien into the custody of the Acting Commissioner of Immigration at Ellis Island. To date ALEXIS GEORGIAN has not been deported, but he is at present at large in this country on a bond of, I believe, \$3,000. I submit to the Committee for its earnest consideration whether such a man should be permitted to remain in the United States indefinitely and be permitted to continue to carry on his agitation, for even subsequent to his warrant of deportation in May, 1919, Georgian continued to sell at his book store in St. Paul copies of unlawful publications and defying even then the authority of the United States. Deportation to Russia can be

effected and I but desire that the Department of Labor request me to make the arrangements for an early deportation to that country, and those arrangements will be made within a period of two weeks. There is no reason for delay in such matters, when the preservation of the institutions of this Government are at stake. I trust that this Committee or the Immigration Committee will see fit to inquire into the case of Alexis Georgian and, if possible, to find out where the missing files have gone.

Another case of interest is that of TIMOFET SAVCHENKO, of Pittsburgh, Pa., who was arrested in January, 1920, charged with membership in the Communist Party and released upon \$1,000 bond. On May 17, 1920, he was again arrested, having brought into Pittsburgh from New York two suit-cases filled with thousands of Communist leaflets for distribution.

Under date of May 20, 1920, the Superintendent of Police of Waterbury, Conn., speaking of the critical situation existing in that city, stated that the released aliens could be counted upon to make trouble and that he assumed that the Department of Justice would be powerless to act in case of trouble in Waterbury, due to the attitude of the Labor Department.

It is submitted that experiences such as those described above, not only justify the insistence on the part of this Department of sufficient bail, but actually necessitates the fixing in the first instance of adequate security, and the Department of Justice maintains that \$1,000 bail is insufficient in the cases of alien anarchists actively engaged in agitation work in these proceedings.

In this connection, it is not unmindful of the observations of Mr. Cooley (Constitutional Limitations, 7th ed. pp. 439); that

**** In determining this, some regard should be had to

the prisoner's pecuniary circumstances; that which is reasonable bail to a ~~marksmen~~ being equivalent to a denial of right if exacted of a poor man charged with the life offense. ***, because it is well known that in these cases the bail is raised not by the alien himself, but by the organization or group with which he is affiliated, or as in the case of Marxists of the individualist or terrorist type, their comrades, acting not as an organization or group, but as individuals working to a common purpose; viz., preventing the deportation of their associates with the consequent penalty that they would be unable to return to the United States after deportation without subjecting themselves ~~from~~ to a criminal action in this country and the chance of being turned over to the authorities abroad in the event of deportation.

In this connection, consider the cases of Fred Fedetoff and Tony Tainchin, two alien Marxists from New York, who were arrested in Bayonne, N. J., on March 7th, 1918, where they made a speech, saying among other things:

"Arm yourselves. Go out and kill everybody ***
Wilson is sending the boys over on the other side for the
big men with the money." ***

They were both convicted and sentenced to terms of from 5 to 10 years and 3 to 5 years imprisonment, respectively. An appeal was taken and they were released under \$20,000 bail each, which was later reduced to \$10,000 each. The decision was affirmed in the New Jersey Supreme Court, and then appealed to the New Jersey Court of Errors and Appeals, where the decision was recently upheld. When the sureties were called upon to produce these two defendants, it was found that they had disappeared. The Surety companies have offered a \$1,000 reward

for each alien and requested this Department to endeavor to effect their apprehension, which, to this date, it has been unable to accomplish.

These two aliens were active members of the Communist Party, and, according to our information, Radetoff was a general organizer on the staff of Mr. Martens, self-styled Soviet Ambassador. Surely the bail was not provided by these aliens themselves. Undoubtedly, it was raised either by the Communist Party or through Mr. Martens. Even \$10,000 was not sufficient to secure their presence when required.

It is to be noted that in connection with the Elia case mentioned above, wherein the Department of Justice recommended an increase of bond to \$15,000, that the Assistant Secretary, while increasing the bond to that amount, saw fit to give out for publication the entire correspondence between the Department of Justice and the Department of Labor, but the Assistant Secretary has not yet officially advised the Department of Justice that bond in the case was increased and the only information which the Department of Justice has upon the subject is that obtained from the daily papers. Along this line, it is worthy to mention also the fact that the Assistant Secretary is quite active in giving to the aliens' counsel copies of memoranda which he writes upon the cases, specifically instructing the Commissioner-General of Immigration to give such copies to the aliens' counsel and in these memoranda the Assistant Secretary takes occasion to point out what he terms the illegal actions of the Department of Justice. No copies of these memoranda are, however, ever furnished the Department of Justice. The point is that the Assistant Secretary never communicates with the Department of Justice upon matters involving its activities and never requests it to furnish additional evidence where the evidence in the case does not in his estimation warrant

depertation, but on the other hand takes action and does so without advising this Department which is charged with the obtaining of the evidence.

The Assistant Secretary has seen fit to create in the city of Detroit a committee known as the "Advisory Committee of Detroit Citizens", who are composed of persons in no way officially connected with any Government department, but who have access to all of the Government records and upon whose recommendation the Assistant Secretary acts in regard to release upon bond. A telegram sent to the Inspector in Charge of the Detroit Immigration station under date of May 14th is illuminating:

"P. L. Prentiss,
Inspector in Charge,
Detroit, Michigan.

Upon recommendation of the Advisory Committee of Detroit Citizens, bail in the following cases is reduced to \$500 (then follows the names of 10 cases). Should the committee so elect, the alien may be paroled in lieu of bail to the Committee or to such member thereof as the committee may designate.

Louis F. Post, Assistant Secretary."

Thus, we see that the duly authorized representative of the Department of Labor at Detroit has been supplanted by a so-called "Advisory Committee of Detroit Citizens", who recommend upon cases of bond and upon cases of release. I fail to find any provision in the immigration law for such a body.

CHARGE THAT ALIENS WERE ARRESTED WHO WERE IN IGNORANCE
OF THE PURPOSES OF THE ORGANIZATION TO WHICH
THEY BELONGED.

The charge has been made that many aliens taken into custody and against whom technical membership had been proven, were in ignorance as to the character of the organization.

I call the Committee's attention to Section 2 of the Constitution of the Communist Party of America, which is as follows:

" Applicants for membership shall sign an application reading as follows: 'The undersigned after reading the Constitution and Program of the Communist Party declares his adherence to the principles and tactics of the Party and the Communist International; agrees to submit to the discipline of the Party as stated in its Constitution and pledges himself to engage actively in its work.'"

This is the provision in the Constitution of the Communist Party and it must be assumed that an organization having a Constitution enforces the provisions thereof, I believe that this is a reasonable assumption. In other words, an organic law must govern. Such has been the ruling of the Labor Department when the organic law does not contain in their opinion open advocacy of force and violence as shown by their ruling upon the Communist Labor Party. In that case the Labor Department refused to consider any evidence other than that contained in the organic law. It

the alien signs such an application for membership, should his mere allegation of ignorance, when arrested, overturn his written declaration, made when there was no necessity for evading the consequence of his act?

The Immigration Act of October 1917 provides for the exclusion and deportation of aliens who at any time subsequent to entry have become

"MEMBERS OF OR AFFILIATED WITH AN ORGANIZATION THAT ENTERTAINS A BELIEF IN TEACHES, OR ADVOCATES THE OVER-THROW BY FORCE OR VIOLENCE OF THE GOVERNMENT OF THE UNITED STATES, ETC."

Therefore, mere membership or affiliation ~~from~~ facts brings an alien within the act. It is submitted, in this connection, that a knowledge of the program, constitution and other outlines of the purpose of the organization has no bearing in the cases in so far as that particular clause is concerned.

But assuming that many of the members of these organizations are not fully conversant with all of the subtle and complicated doctrines and philosophy of the programs of these organizations, it is a fact that they do know the fundamental and major principles, viz., the overthrow of the so-called "bourgeoisie" or "capitalist" state, the expropriation of property and industry and the setting up of the dictatorship of the proletariat, and it follows that they subscribe to these doctrines, else they would not affiliate, accept membership or attend the meetings of these organizations.

It may be pointed out that the law makes it mandatory upon the Secretary to deport when he is satisfied that an alien falls within the proscribed classes. The law provides that he shall deport, not that he may or can, etc.

The Secretary of Labor has definitely held that the Communist Party of America is one which is proscribed by the Immigration Act, hence mere affiliation with it, per se, is a cause for deportation; and it is outside the province of the Assistant Secretary to consider extraneous matters, such for instance, as the sufficiency of knowledge on the part of the alien of the philosophy, teachings, doctrines, etc., of these proscribed organizations. The sole question is whether the alien is in fact a member of or affiliated with, and there being "some" evidence proving such membership or affiliation, he is justified in issuing an order for deportation and where, as in many of these cases, the evidence is persuasive and conclusive than it is his duty to deport and in this connection, the question as to how the evidence was obtained is not before him and the proceedings being of a strictly administrative nature, not criminal or quasi-criminal, he has no concern in the methods of obtaining the evidence.

THE CHARGE HAS BEEN MADE THAT IN THE SWEEPING RAIDS MADE BY
THE DEPARTMENT OF JUSTICE THERE HAVE BEEN BUT

THREE PISTOLS FOUL'D.

In a letter from the Chairman of the Committee it is stated
that Mr. Post testified before this Committee as follows:

"With all these sweeping raids all over the
country there have been three pistols, I think it is,
brought to our attention in the scores of cases that
have come to us. Three pistols, two of them 22
calibre. Now, I do not know whether a 22 calibre
pistol is a homeopathic pill for a bullet or a cannon
ball."

I should imagine that the Assistant Secretary of Labor would
have informed himself both as to the dangerous character of a 22 calibre re-
volver and as to the actual number of guns and dangerous weapons obtained
in the raids.

A 22 calibre revolver when used at close proximity is far from a
small boy's play toy.

It might be interesting for the Committee to see a picture of
the results of the raids in Newark, N. J., on the night of January 24.
This picture will show the Committee that a number of rifles, in fact 12
in number, were obtained at the meeting place of the Communist Party, and
that in addition to these 12 rifles there were also found two revolvers

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and four bombs. The Committee must bear in mind that this was in the city of Newark alone. On the night of November 7th in the city of Newark when arrests were made of Union of Russian Workers three revolvers and two automatics were found, three of them being of large calibre. On the night of February 14th, 1920, when arrests were made of members of the L'Era Nuova group in number, and in whose cases the Assistant Secretary of Labor has canceled warrants of all but four, five revolvers and two automatics were found, four of them being of large calibre. This is the story of the guns found in the city of Newark alone.

In the city of Providence three guns were found; in the city of Philadelphia three guns were found; in the city of Hartford three revolvers, one shotgun, one pair of brass knuckles, and one bomb were found; in the city of Cleveland five guns were found; in the city of Chicago five guns were found; in the city of Toledo one gun was found; in the city of Buffalo many guns were found, the exact number not given, likewise in the city of Los Angeles. These are the reports from only a portion of the country but it clearly shows that the Assistant Secretary of Labor was absolutely in error when he made the somewhat facetious remark before this Committee that "but three revolvers were found in the entire country, two of which he did not know but that they "might be homeopathic pills for a bullet."

The number of revolvers found, however, can in no sense be an element in the determination of the potential danger of these aliens. A revolutionary movement of sufficient proportions to seriously menace the peace and good order of the country can easily be carried on without the use of revolvers.

CHARGE THAT THE DEPARTMENT OF JUSTICE HAS IN ITS SERVICE
PROVOCATEUR AGENTS.

Mr. Balston, attorney for Mr. Post, claimed that the agents of the Department of Justice were stirring up the unrest in this country, and were creating communist branches.

It can be emphatically stated that the statement of Mr. Balston is a deliberate and unwarranted falsehood. It is to be noted that his statement is not sustained by any citation of facts but is characterized by generality, in which he has been pleased to indulge during the entire course of the hearings before the Rules Committee.

Considerable publicity has been given to statements attributed to Judge Anderson of the Federal Court in Boston, Mass., which was to the effect that the Department of Justice owned and operated a part of the Communist Party, and similar publicity has been given to a statement of Swinburne Hale who before the Secretary of Labor charged the Department of Justice with the employment of provocateur agents and with the employment of one LOUIS C. FRAINA, secretary of the Communist Party of America. In regard to this statement by Mr. Hale, it is sufficient to note that his statement was made on April 24th and Mr. Hoover, representing the Department of Justice at the hearing, challenged him to substantiate the statement and Mr. Hale stated that he would be glad to do so within ten days. To date, one month has elapsed and nothing has been heard from Mr. Hale.

The statements of Judge Andersen are apparently based upon a letter of instructions issued by the Bureau of Investigation under date of December 27, 1919, being the instructions preliminary to the arrests of January 2, 1920, when a large number of communists were arrested simultaneously in thirty-three cities in the United States. These instructions, among other things, contained the following statement:

"If possible, you should arrange with your undercover informants to have meetings of the Communist Party and the Communist Labor Party held on the night set."

This letter was introduced at the hearing before Judge Andersen in Boston and apparently the presiding judge jumped at the conclusion that such a statement was indicative of operation of the Communist Party and that the agents of the Department of Justice were engaged in the creating of the unrest prevalent in the United States at that time for ulterior motives. There is not a single employee of the Department of Justice at this time or at any time under my administration who has in any way actively participated in the councils of the Communist Party, the Communist Labor Party, ^{in a manner which would stamp him as an agent} or any other revolutionary organization under investigation. To be ~~persecution~~. In this case, there are employed in the Bureau of Investigation confidential employees whose duty it is to obtain information upon the activities of the radicals in this country and in pursuit of that duty they have joined organizations of an illegal character for the purpose of obtaining such information. There is certainly justification for agents becoming connected with aliens for the purpose of finding

out what they are doing, but I challenge anyone to show that a single employee of the Department of Justice has ever organized a branch of the Communist Party or the Communist Labor Party or been instrumental in the carrying out of its principles and program.

In connection with the letter of December 27th and the misinterpretation placed thereon by the court in Boston, a communication was forwarded to the Division Superintendent of the Bureau of Investigation on April 21, 1920, by the Chief of the Bureau of Investigation in which an explanation is given of the meaning of the sentence referred to in the letter of December 27th. The court at Boston, however, while keen and over-anxious to see the confidential letter of instructions of December 27, 1919, flatly refused to permit the letter of instructions of April 21, 1920, to be introduced which was an explanation of the sentence considered so obnoxious by the court. There is attached hereto a copy of a letter of April 21st which I would be pleased to have made a part of the record.

This letter explains in detail the purpose and the only sensible construction that could be drawn from the letter of December 27th. It is sufficient to state that the meeting night for the Communists was set for January 2, 1920, which was the regular meeting night in all parts of the country. In a few instances, the communists had postponed or planned to postpone their meetings from the second to some other night in the week for various reasons and it was in these cases that the confidential employees

of the bureau were instructed to endeavor to have the meeting held on the regular meeting night. It was not a case of having a special meeting called for the purpose of making arrests, it was not a case of taking aggressive action against the government, but it was merely a case of insisting that the meeting should be held upon the regular night. There was to be a meeting on some night during the week and I could see no objection why the effort should not be made to have the meeting held on the scheduled night. I might state for the information of the committee that to my knowledge there were only two instances where such postponement had occurred, so the impression which ~~had~~ gone broadcast to the effect that hundreds of meetings were scheduled for that night through the instrumentality of the agents of the Department of Justice is wholly erroneous and no one, unless maliciously inclined, can ~~possibly~~ claim that a single agent of the Department of Justice has ever actively engaged in revolutionary activities in any of the organizations of which they may be members.

An effort has also been made by certain individuals who seem to be so intently inclined to belittle the efforts of the Department of Justice to compare the investigating agency of the Department of Justice with private detective organizations. No one with a deliberate and calm mind and desiring to be fair and just in his conclusions could come to such an erroneous and wholly unfounded and illogical conclusion. A private detective agency renders its services for compensation and it may be claimed that where a condition is improving

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that the agency may lose financially thereby and for that reason might be desirous of continuing the agitation. There have been one or two isolated cases of unethical action upon the part of detective agencies, but it is by no means general. However, the Department of Justice renders its services for the protection of the laws, the Constitution, and institutions of the United States and to stir up unrest would be to defeat the very purpose for which it is operated and the insinuations and ~~slanders~~ which has been cast against the Attorney General that he has made political capital out of red agitation is a deliberate and base falsehood and in no instance can facts sustain such charges. These charges generally emanate from the pale-pink parlor bolshoviks and from the mouths of the friends of the radicals. Only the uninformed, illiterate, or the real friend of the radical, could ever conceive such an idea.

A request has been made of this Committee for the Department of Justice to submit the instructions and reports of HERMAN BERNHARD whom counsel for Mr. Post states was an undercover agent of the Department of Justice in becoming recording secretary of the Communist Party local at Buffalo, N. Y., and in securing adherents to the Communist Party at Buffalo.

I desire to advise the Committee that Mr. Herman Bernhard was appointed as a special agent and not as a confidential informant of the Department of Justice on January 20, 1920, twenty days after the raids on January 2nd. His employment by the Department of Justice in January, 1920, was his first employment in the service of our department. Prior to that time he had been employed

by the Lusk Committee and what his work was with that organization is entirely unknown to this department. It is sufficient to state that Mr. Bernhard is not a confidential employee and has at no time while employed in the service of the Department of Justice been an officer in or agitator for the Communist Party.

The attorney for Mr. Post in the letter to the committee of May 13, 1920, desires that the Department of Justice furnish the instructions and reports of one CAMERON, representing the Department in attending the meetings of the Communist Labor Party at Chicago, August 30, to September 3, 1919. There is no employee, special agent or confidential informant employed by the name of CAMERON in the service of the Department of Justice.

THE CHARGE THAT LOUIS C. FRAINA WAS AN AGENT OF THE DEPARTMENT OF JUSTICE, has been circulated quite frequently through the instrumentality of MR. MANTENG and his associates in this country and as I above stated was openly charged by Swinburne Hale. I had ignored the charge that had previously been made which emanated probably from the Soviet Bureau in this country, due to the fact that I considered the source from whence it came, but when an attorney appearing in argument before another cabinet officer directly charged that Fraina was an agent of the Department of Justice, I deem it only proper that a denial should be made of it. I also deem it proper that this committee know the facts in connection with the Louis C. Fraina case, which may prove illuminating to them and to the general public.

LOUIS C. FRAINA is an alien who was actively identified with the Left Wing movement in the Socialist Party prior to its crystallization in the Communist Party. Fraina was in a large measure responsible for the contents of the Manifesto of the Communist Party which has been ruled by the Secretary of Labor to be a document which advocates the overthrow of the Government of the United States by force and violence. Fraina actively engaged in the organization work of the Communist Party and was the secretary and editor of that organization.

There was in the employ of the Department of Justice during the months of September, October and November, 1919, a confidential employee by the name of [redacted] had come to the attention of the Department of Justice as being one well acquainted with Russian activities and had applied for a position with the Department in New York, claiming that he was intimate with SANTERI NUOKTEVA and LUDWIG C. A. K. MARTENS and other persons actively identified with the Soviet movement. Desirous of ascertaining whether or not [redacted] could be of any value to the Department he was employed probationally for the time above stated and rendered reports containing information upon the movements of NUOKTEVA and MARTENS, against the latter whom a deportation case is now pending before the Secretary of Labor. [redacted] work, however, was not entirely satisfactory, in that he was obtaining no information of great value and he withdrew from the service in November, 1919. Subsequent thereto, it was ascertained that at the same time he was in the employ of the Department of Justice, he had

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also been in close communication with SANTERI NUORTEVA and had told NUORTEVA in order to be in his confidence that Fraina was an agent of the Department of Justice. The reason for this statement can best be learned when one understands the intricacies of the communist movement in the United States. The COMMUNIST PARTY and the COMMUNIST LABOR PARTY are identical in principle and action, notwithstanding my statement, but according to the statements of their own leaders, and the reason for the formation of two organizations was due to the differences of individuals in regard to leadership. The group composing the COMMUNIST PARTY had insisted that MARTENS should take his orders direct from the COMMUNIST PARTY in this country, rather than from Moscow, and it was of this group that Fraina was the leader and therefore openly antagonistic to Martens. The Communist Labor Party, however, supported Martens' contention to the effect that he should take his orders from Moscow. It was desired on the part of Martens' Bureau to discredit Fraina in the Communist movement, as he was the principal opponent in regard to party discipline in this country. Nuorteva welcomed the statement that Fraina was an agent of the Department of Justice to such an extent that he saw fit to offer [redacted] \$1,000 to get certain papers from the Department of Justice, proving Fraina's connection therewith. He actually paid [redacted] \$160 for which he expected to be reimbursed later by Martens. This man, SANTERI NUORTEVA is the secretary to Martens, the so-called Bolshevik Ambassador. When [redacted] reported the fact to Nuorteva that Fraina was an agent of the Department of

Justice, Martens thought the matter was grave enough to be investigated, according to his own statement and threatened to send the charges to Moscow unless Fraima was able to disprove them. Reports rendered by [redacted] to the Department of Justice were later found out to have been reviewed by Nuorteva and [redacted] revealed to Nuorteva the names of certain representatives of the Department of Justice for his information.

So serious were the charges considered by Nuorteva and Martens that in the city of Brooklyn a secret trial was held in 1919 at which the following persons were present to pass judgment upon the fact whether or not Fraima was an agent of the Department of Justice.

GRIGORY WEINSTEIN
HARRY MOSOVITSKY
J. LOVUSTONE
LUDWIG C.A.K. MARTENS
SANTAKI NUKONAVA

MR. ISAAC HOURVICH
----- HOUDIN
----- HARTMAN
----- BITTLEMAN

At this trial [redacted] and Fraima were subjected to examinations and Fraima apparently satisfactorily explained away the charges made by [redacted]

[redacted] The Soviet Bureau headed by Martens has so persistently maintained that they were taking no interest or activity whatsoever in communistic affairs in this country, that I am unable to understand this statement, when I read the report of the meeting in Brooklyn, and find they were trying a member of the Communist Party of America as being a traitor to the communist cause. A portion of the same group who sat at this trial are now in the Lafayette Hotel of this city, awaiting the action of the Department of Labor upon the case of Martens. I might state that it was the intention of

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the Department of Justice to take Martens into custody when he completed his testimony before the Senate Committee as we would any other violator of the laws of the United States. I could not see why he should be handled differently from any other case, but the Assistant Secretary saw fit to have him brought to his office and turned over to the custody of his attorney, without any knowledge upon the part of anyone, saving him the humiliation of a public arrest.

LOUIS C. FRAINA today is somewhere in Europe. He, through some means, escaped from this country, with the connivance of some forces unknown to the Department of Justice; he attended the meeting of the Propaganda Bureau of the III International at Amsterdam, February 1920, and represented the communist groups in America at that conference. It might be interesting for the Committee to know a little more in detail concerning the propaganda meeting of the bureau in Amsterdam. I have the stenographic report taken of this meeting, together with their official Bulletin and it appears from their own statements that they are determined upon the establishment of a communist commonwealth in the United States, centering its bureau in the western hemisphere in Mexico. I have also a copy of an article written by Fraina in the "Tribune" published in the Netherlands, entitled "The American Revolution" and published under date of March 4, 1920, which is particularly illuminating as to the conditions in the United States and as to the purpose of the Communist Parties in this country. The following statement appears in this amazing document.

"These great strikes were used by the Communist Party as a means for intensive revolutionary agitation. Leaflets were issued concerning the mine workers and steel workers strike and two million of these were distributed. Our agitation openly encouraged the establishment of Soviets. Our agitation was particularly strong at Gary, the steel town that was governed by Major General Wood under martial law. Besides agitation in the workshops the communist party conducted a great propaganda in the factories, for the control of the workers in industry and a national campaign was begun for the raising of the blockade of Soviet Russia. Persecuted and slandered, kicked and beaten, the Communist Party will pursue its agitation. Publicly if it can, secretly if it must".

This is a very brief statement upon the case of LOUIS C. FRAINA. Fraina is desired by the state authorities of Illinois for prosecution under the State Syndicalism Law and I assume that he would be desired by the Department of Labor, if he ever returned to this country, for deportation, most certainly so if they followed my recommendation. I have asked that the authorities of a foreign government in whose custody he now is to return him to the United States. I challenge anyone to present a scintilla of evidence to show that this individual was at any time in the employ of the Department of Justice or furnished it any information whatsoever. I might state in this connection that [redacted] became so agitated over the result of his falsehood that he was planning to leave this section of the country at the time of the hearing before the Senate Committee inquiring into Bolshevik propaganda and I requested Senator Moses, chairman of the committee, to subpoena him to remain in this country, and said subpoena was issued. I assume that Senator Moses did not give the prolific press statements of the Soviet Bureau located at the Lafayette Hotel sufficient credence to warrant the calling of [redacted] as a witness.

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~~CHARGE THAT THE DEPARTMENT OF JUSTICE WAS DILIGENT IN~~
~~CHANGING RULE 22 OF THE IMMIGRATION REGULATIONS~~
~~SO AS TO PREVENT ALIENS FROM HAVING COUNSEL.~~

The charge has been made that Rule 22 of the Immigration Regulations, which until December 29, 1919, had required aliens to be advised upon apprehension that they were entitled to counsel, was changed through the efforts of the Department of Justice, and that in so doing, certain constitutional rights were violated.

It might be of interest to the Committee to know that the Immigration Regulations originally provided that aliens were only to be accorded counsel by the inspector at such stage in the proceedings as was deemed for the best interest to the United States.

This regulation was changed, I am informed, sometime in the latter part of 1918 or the first part of 1919, to read to the effect that aliens were to have counsel from the beginning of the proceedings. Instances beyond number came to the attention of the Immigration authorities, I am told, where the operation of the ruling resulted detrimentally to the interests of the United States. Many radical publications contained advice to the aliens to refuse to answer any and all questions upon apprehension. It is to be borne in mind that the Government must prove not only the unlawful activities of the alien, but must also prove his place of birth, the ship upon which he entered the United States, the port of entry, and the fact that he had never become a naturalized citizen subsequent to his entry. A number of these facts it is difficult to obtain unless the alien will testify to them.

The Government of the United States always stands ready to prove the unlawful activities of the alien but it is unreasonable to place upon the Government the burden of proving the renunciation of the individual after he entered the United States, ~~insofar as~~ his citizenship status is concerned. It is to be further noted that deportation is not a crime and that the proceedings are administrative in nature for the purpose of ascertaining whether or not the alien is within the class of persons who might properly remain in the United States.

The United States Supreme Court has held that the proceeding is not criminal in nature. In the case of *Leu Wah See v. Bachman*, 225 U.S. at pages 469-470, which were the proceedings brought under the deportation rules of the Immigration Act of February 20, 1907, the United States Supreme Court held that the fact that the alien was under examination before the inspection officer without counsel at first was within the authority of the statute, and as long as it had not denied the alien at a subsequent stage of the proceeding to have counsel there was nothing irregular in the proceeding. This case, incidentally, is cited by the Assistant Secretary in his letter to me of March 30, 1929, in answer to the court in Montana that the alien was not permitted to have counsel at the outset of the hearing. My point is that the change in December, 1919, was not novel and that the rule authorized by Mr. Abercrombie was in accordance with the rulings of the Supreme Court and in accordance with the original regulations of the Immigration Service and it was for the purpose of obtaining the facts in the cases. A concrete example of the operation of rule 22 as it now stands was observed

by the Committee on Immigration of the House of Representatives which visited Ellis Island in 1919, subsequent to the Union of Socialist Workers raid, when for many days proceedings against the aliens held there were at a stand-still because the aliens refused to even respond to their names and refused to answer any questions, costing the Government a considerable expenditure of money; and this attitude could be traced directly to counsel for the aliens. It is to be noted further that the warrant of arrest and the hearing subsequently accorded is ~~for~~ the purpose of enabling the alien to show cause why he should not be deported and not for the purpose of the Government showing cause why he should be deported.

Irrespective of the foregoing, when the raids of January 24, were made, the Immigration rule stood to the effect that the alien was not to have counsel until such stage of the proceeding as would be for the best interests of the United States. Therefore, the statements taken on the night of January 24, were not taken in violation of rule 22, as it would be made to appear by the Assistant Secretary, but they were taken in strict compliance with that rule. The ruling was not changed until January 27, 1920, twenty-six days after the arrests had been made, and by which time all examinations had been completed. The ruling as it stood on January 24, was based upon a ruling of the United States Supreme Court.

I have a memorandum dealing with this matter which may be of interest for the Committee to read.

Before passing it is worthy of note that the Immigration rules do not permit an alien entering the country to have counsel, and I submit to the Committee that if there is any time in the immigration proceedings when

an alien needs counsel when, it is when he arrives at Ellis Island without knowledge of our laws and without any knowledge whatsoever of the procedure. The alien on this occasion is permitted to have only his next friend, who it is specifically provided, shall not be a lawyer. After the alien has been admitted and has lived in the United States for periods of three, four, five and yes even ten and fifteen years, it seems to us that he should not be given the privilege over the ignorant foreigner who has entered the country and who is being inspected at the Island. My point is that there is little or no consistency in these rulings.

It is submitted that the time when an alien derives the most benefit from counsel is when he applies for admission, not after he is admitted. In my event, as was held in the *Sumner v. Williams* case (194-U.S., -279), his rights are no greater under the expelling features than they would be under the admitting provisions.

The prime and all the pertaining object of these hearings is to elicit the facts, and, it is submitted, the presence of counsel does not aid in this direction, rather such practice tends otherwise.

Mr. Post makes a point (page 179) that "they were not advised of their right to refuse to answer." Upon what premise does Mr. Post base such a right? The Supreme Court, in the *Zing Zang* case (194-U. S. - 261), speaking through Mr. Justice Holmes, held that:

"The whole scheme is intended to give us unfair a chance to prove a right to enter the country as the necessarily summary character of the proceedings will permit ****. Now, when these Chinese, having that opportunity saw fit to pursue it, we think

an additional reason was given for not allowing a hearing ~~nowhere~~
at that stage. *** They were offered a way to prove their alleged
citizenship and be set at large, which would be sufficient for most
people who had a case and which would relieve the courts. If they
saw fit to refuse that way, they properly were held down strictly to the
their technical rights."

In this case, it will be noted, arose through an alien refusing to testify in a
Chinese exclusion proceeding, characterized by the Courts as a quasi-civil
proceeding where the rules of evidence apply, hence affording the alien much
greater latitude than is allowed in administrative proceedings. The
hearing, as has been held under the decision of the Supreme Court, is designed
solely to afford the alien "an opportunity to show cause" why he shall not be
deported. If he elects to stand mute then he has failed to show cause; and a grin d'air case having been made before the warrant of arrest if issued,
a case is made out and deportation should follow in such cases as a matter of
course.

It is submitted that Mr. Post's position in this regard is untenable,
and his reasoning specious.

Mr. Post, before the Committee, made the statement to the effect
that as the aliens had no redress in the courts that "we ought to be all the
more careful to protect their rights." Such a statement is wholly erroneous,
for the aliens do have redress in the courts of the United States, as has been
plainly shown in many cases. As for example the Rosa Goldwyn and Alexander
Bogdanow cases. So numerous are their appeals to the courts that it requires
the entire time of one Assistant United States Attorney in the city of New

York alone to handle the cases arising from Ellis Island.

**CHARGE THAT AN EFFORT WAS MADE MADE TO DEPORT ALIENS
REGARDLESS OF THEIR GUILTY.**

Mr. Post said that efforts had been made to get aliens out of the country, regardless of their guilty.

I know of no case where an effort has ever been made by the Department of Justice to deport aliens when they did not fall within the statute and the letter of the Act of October 26, 1917, but I have persistently insisted that this act be administered in accordance with the language and with the reasonable construction thereof intended by the Congress of the United States. To be sure in simultaneous arrests of a large number, there are always to be found a few cases when the evidence is not sufficient to convict or to warrant the charge and in all such cases the Department of Justice was willing that the warrants of arrest should be cancelled. This is evidence by the action of the Boston office of the Bureau of Investigation when it consulted with the Immigration Inspector at that port for the cancellation of thirty-eight warrants. There has not been an attitude on the part of my officers of the Department of Justice to insist on deportation merely because an arrest had been made, but when an arrest had been made and lawfully established in an uncontroverted conviction they have insisted that deportation be carried out.

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~~SECRET IN THE DEPARTMENT OF JUSTICE AND RE OFFICER TO~~

~~SECRET IN THE DEPARTMENT OF JUSTICE AND TO AGENT INSPECTOR~~

~~CONFIDENTIAL~~

Mr. Post has said that the Department of Justice had resorted to police inquisitions by forcing men to make admissions of guilt. I challenge Mr. Post to prove a single case of police inquisition forced by the Department of Justice. The arrests that were made on the night of January 21 were made in large numbers and examinations were immediately had and counsel was not accorded in compliance with Rule 22 of the Immigration Law which on December 20, 1929, was changed to provide that the alien was to be entitled to counsel after preliminary examination had been made. I recall but three instances in which the Assistant Secretary of Labor has called to my attention the fact that the alien in the testimony before the Immigration Inspector claimed that he had been subjected to torture during examination by agents of the Department of Justice. Three cases only out of 5,000; and, it might be stated that I replied to the Assistant Secretary in these cases and inquired of him as to whether or not the aliens making the allegations against the Department of Justice had been required to corroborate such allegations by other persons present, by identifying the agent who is alleged to have committed the act and whether the agent of the Department of Justice was called to affirm or deny the charge preferred against him. I have never been informed as to whether or not these elements were observed. It occurs to me that when a person makes a serious charge that he should be required to

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substantiate the same by corroborating testimony or by identification of the agent and certainly the man charged with such an act should be given an opportunity of making his statement, just such was not accorded in the investigation hearings.

To be sure we have read generally in the radically inclined magazines and papers in this country that great brutality was resorted to but a corroboration of the falsity of these charges is to be found in the case of SYVEROVSKY. It might be illuminating for the Committee to know the facts in Syverovsky. I have the detailed report rendered upon the Syverovsky case, which should be made a part of this record. Briefly, Syverovsky was arrested in January 1938, and brought to the New York Office of the Bureau of Investigation for examination. It was alleged by a newspaper reporter that Syverovsky was kicked and beaten and otherwise maltreated. Investigation made by a representative of my office, in no way connected with the New York Office of the Bureau of Investigation, reveals the fact that the reporter making the report in addition to being generally discredited by his co-workers in the newspaper world had not been in the room during the examination of Syverovsky and that five of the other reporters present on the occasion, some of whom were in the room during the examination of Syverovsky, have made sworn statements that he was not mistreated in any manner whatsoever. These gentlemen of the press have had no occasion to make false affidavits. The falsity of the Syverovsky charge is typical of the falsehoods prevailing in other cases. No claim has presented to the Department of Justice a single charge that has not been thoroughly investigated impartially and the falsity of the case proven. I might state that the only charges of brutality brought to the attention of

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The Department were the claimants in the Zimmerman case. It seems to me that if "Guilty" had been charged to in wholesale measures that it is the duty and function of the attorney for the aliens and of the aliens themselves to bring this case to my attention, but such has not been done, other than the generalities indulged in by the uninformed.

These aliens are not subjected to a police inquisition while imprisoned, nor to such imprisonment. In the New Jersey District, which is fairly representative of the general procedure, immediately upon their being taken into custody they were examined (in the presence of an Agent Inspector and through an Agent Interpreter). In no instance was violence used towards an alien in that district, nor were the statements in that district taken under duress or any compulsion. The questions and answers were recorded stenographically. As is well settled, these are strictly administrative proceedings and the rules of evidence do not apply, as regards imprisonment, even the detention of the alien at the Immigration Detention Inquiries between the time of his arrest and the determination of the status of the alien by the Secretary, that detention does not constitute imprisonment, nor even deprivation of liberty without "due process" of law.

In the case of Turner vs. Williams (194-U.S.-619) page 391:

"Retention or temporary confinement as part of the process necessary to give effect to the evaluation or examination was held valid****"

Mr. Just frequently uses the word "guilty". It is submitted that there is no question of guilt in these proceedings. That word implies a

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crime under a criminal statute. There exists a mere question of fact as to whether an alien is or is not subject to deportation. The hearing, as has been pointed out, is designed but to try out the facts, as is done in an action at law, or to determine the guilt of the alien, as there is no question of crime involved. The hearing is designed simply to afford the alien an opportunity to show cause, in his own behalf, why he shall not be deported.

Mr. Post makes frequent use of the expression "conspiracy", an alien's conspiring against the law. No question of conspiracy is involved in these cases, ^{and} as if there were, they would be subject to criminal prosecution and none of them have been prosecuted under the criminal section of the Penal Code.

Mr. Post refers to the effect of these administrative proceedings upon an innocent individual, who is found to be guilty. There is no question of finding innocent individuals guilty of conspiracy, nor even those who are not innocent, as none of them had been subjected to prosecution under that heading but as aliens who had become members of or were affiliated with proscribed organizations.

When the time limit within which an alien could be deported was removed in these cases, Congress must have appreciated the situation that would arise when an alien has a long residence in the United States, would have a family, and in many instances native born children. It made no provision for this and the correction of this situation is with Congress and not with the Executive branch.

CHARGE THAT TWO SALARIED MEN HAVE BEEN INSTRUMENTAL IN AIDING
THE HYSTERIA OVER RED RADICALISM.

The Assistant Secretary of Labor, I believe, stated to the Committee that a considerable amount of the hysteria in the country over Radicalism had been caused by what he terms "two salaried men" and I believe that the inference which can reasonably be drawn from his remarks is to the effect that there is in the Department of Justice some of the so-called "two salaried men", though the direct statement was not made.

I can emphatically state, that there has never been employed in the Department of Justice, during my administration any person who would fall in the category named by the Assistant Secretary. The gentlemen of the press have frequently called at the Department of Justice for information and have had free access to the same and statements appearing in the press have been statements drawn by the representatives of the press from actual documents seen and examined. When pressed for an instance of the character named, the Assistant Secretary seemed to be at a loss to specifically name an individual. However, I assume that this Committee is well cognizant of the fact that the secretary to the Assistant Secretary of Labor might be termed a two salaried man in that he not only performs the duties of the secretary to the Assistant Secretary, but that he also occupies the position of an editor of a magazine entitled "The Knot-hole", which according to its own statements is "conceived in sin and brought forth in Washington", and the pages of which seem to be dedicated to

slanderous attacks upon members of both houses of Congress,
members of the Cabinet and other public servants.

CONDITIONS EXISTING IN THE CITY OF DETROIT
FOLLOWING THE ARRESTS MADE IN JANUARY, 1920.

Through a well-planned and diligently-carried-out propaganda the radicals and their sympathizers have drawn particular attention to the conditions existing in the City of Detroit, resulting from the arrests made in that city on the night of January 2, 1920.

It might be well for this Committee to know some of the facts pertaining to the conditions in this city, in order that they may draw their conclusion as to whether or not the propaganda that has been formulated is sincere or false.

On the night of January Second, twenty-eight halls and meeting places of the COMMUNIST PARTY were raided and several hundred aliens taken into custody. These persons were taken to the federal building and cared for on the fourth floor of that building. The reason that they were not taken to the police stations or to the county jail was due to the fact that there were crowded conditions in those places. The federal building was warm and comfortable and the fourth floor, where the aliens were cared for, was well lighted and well ventilated. There were toilet facilities on the fourth floor and there was not a single complaint made by any alien detained there as to the eating, sleeping or similar conditions in the federal building. It is of interest to note that the complaints were made by the sympathizers of the radicals and a few misinformed but apparently well-intentioned persons who were misled through the ~~rumor~~ statements of MISS HELEN TODD of New York City.

The relatives of the aliens were permitted to visit the persons detained in the federal building and brought quantities of food to them. Arrangements had already been made for the feeding of these individuals, but there was no objection made by the authorities to the relatives' bringing delicacies to the aliens detained. It is to be noted that when the aliens were removed from the federal building large quantities of food were left which had been supplied by the relatives. As soon as the aliens were removed from the federal building the examinations started and the agents of the Department of Justice worked for eighteen hours daily until these examinations were completed. The last examination was completed at 12:10 midnight on January 7, 1920. Upon the completion of the examinations the aliens were transferred to the local police stations, from which other prisoners had been removed, in order to provide adequate accommodations for the aliens arrested.

It appears that the statements made by Miss Helen Todd of New York City in respect to brutality used by the agents of the Department of Justice in Detroit were based entirely upon hearsay. She made no attempt to verify any of these statements at the bureau office at Detroit or at any other office. She came to Detroit for the express purpose of assembling a group of women in that city to protest against the actions of the government in the arrest and deportation of dangerous aliens. She was successful in securing the assistance and cooperation of many of the parlor bolshevists and these women in turn were successful in securing almost unlimited amount of space in the Daily Press in Detroit. Some of the women, however, who associated themselves with her in the beginning have since ascertained the

real truth concerning the fact that the government is doing all possible to speed up the deportation of these aliens who should be deported and to alleviate any suffering upon the part of the women and children of the aliens, and these women are no longer associated with Miss Helen Todd's so-called committee.

One instance of note is a statement which appeared in the "Public Press" in Detroit from WALTER A. NELSON, an attorney in Detroit whose entire business is the defense of government prisoners, that the wife of one man held in Fort Wayne said she had been unable to locate her husband for ten days. This statement is absolutely untrue, for at the conclusion of the examinations of the men in the federal building an alphabetical list was made of all the men held and an order issued that the wives, families and friends of these men should be allowed to see them at the police stations where they were held. Any inquiries at the bureau office at Detroit relative to the location of aliens were immediately furnished with the desired information. The difficulty experienced in locating the various aliens by their families appears to have been caused by the fact that several aliens have assumed names when taken into custody, thus it was impossible for their families to locate them.

Another instance similar to the statement made by Mr. Nelson was that attributed to Attorney HARRY L. DIELI, who stated that one of the aliens found his wife all alone dying from pneumonia when he was finally released. When Mr. Diehl was interviewed by a representative of the Department of Justice, Mr. Diehl informed the agent that he did not know the name of the alien and that the incident had been told to him by someone whose name he could not

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remember. This case is an instance of the "flimsy" foundation of many of the rumors concerning the conditions in Detroit.

There appeared in the "Detroit News" under date of February 21, 1920, an article entitled "Women Plead of Hardships", in which reference is made to the case of MRS. FRANCIS BUKOVITSKY, the wife of ALEXANDER BUKOVITSKY. Bukovitsky is one of the dangerous organizers of the UNION OF RUSSIAN WORKERS and has been offered to be deported by the Department of Labor, but is at present at large, having been released without bond. It might be of interest for this Committee to know that while detained at the Wayne County jail Bukovitsky stated to another inmate in that jail that "he was an anarchist and proud of it, and that there was going to be a revolution in the United States and that there would be no more laws in this country as the 'big fellows' would all be put in prison or put to death." He further stated that someone would kill Attorney General PALMER and that it was a shame that the fellow who shot Attorney CONTENT did not kill him, but that "we anarchists will get him later". He stated that he had been offered a parole but that he would not accept it, as the government wanted him to sign certain papers which would compel him to observe the peace. He stated that should he get out on parole he would leave the city and travel from town to town, making speeches and organizing for the revolutionists. This is a type of the alien who is permitted to walk the streets in Detroit at the present time, though there is a clear case in the estimation of the Department of Justice established against this pernicious anarchist. So, we see that when the charges have been analyzed there are few, if any, facts to substantiate the statements made by the radicals and their sympathizers.

The conditions existing at Fort Wayne where the aliens were detained pending the hearings by the immigration inspectors have also been criticized, but an inquiry into the statements concerning these conditions shows that none of the aliens at Fort Wayne have of their own volition complained of the treatment or conditions in the prison, but that the complaints which have been made have been due to the inspiration of certain interested persons on the outside. Passes to Fort Wayne were issued very freely by the immigration authorities. Aliens themselves when released on bail were given passes to visit Fort Wayne where they abused the privilege by constant agitation and attempts to stir up trouble amongst those in custody. It is not claimed that everything was ideal, for confinement of any sort is not ideal, but it is asserted that there was no brutality or unnecessary harshness tolerated towards the prisoners themselves or their relatives who were allowed to visit them freely. The food was provided by one of the first-class hotels of the city and members of their families brought other food to the prisoners. The best summing up of the situation is that which was made voluntarily by BENJAMIN KEPYSY, who was confined at Fort Wayne for a few days and afterwards released on bail. He stated that the conditions at the federal building and at Fort Wayne were far better than those at the police stations; that the food was very good, but that it would have been hard to provide just exactly the kind of food that the men of different nationalities were accustomed to use and that most of the complaints came from the Russians who were kicking about something all the time at Fort Wayne.

In regard to the charge that the families of the aliens in Detroit were not properly cared for, it can be stated that as soon as the arrests

were made special attention was given to the families of the aliens who had dependents. Mr. BMONDYKE, who has been in charge of the Division Barracks at Fort Wayne, states that there has been absolutely no complaint made to him by any alien held in Fort Wayne regarding needy families; that a board of commerce investigator has been at the fort daily in an attempt to secure from the aliens information concerning any needs of their families; that the aliens have told the investigator that they did not need any help and have absolutely refused to give any information which would bring any assistance to anyone from any charitable organization.

In closing upon the particular conditions in Detroit, reference should be made to the Committee appointed by the Assistant Secretary of Labor consisting of four private citizens of Detroit into whose custody the radicals held at Fort Wayne are being paroled. The inspector in charge of the local immigration service at Detroit has received instructions from the Assistant Secretary to turn over the official records of all men still confined to the Citizens Committee for their examination, so that they may determine who and how many of these aliens should be paroled. It is further understood that this committee has been given the authority to have in their possession the official records of the cases of aliens who have been ordered deported and that where this Committee deems it advisable the Assistant Secretary will reopen these cases and cancel the deportation orders already issued. An evidence of this is shown in the cases of a number of aliens ordered deported who were transferred from Detroit to Ellis Island and whose cases upon their arrival at Ellis Island have been reopened upon recommendation of the so-called citizens committee - a committee which has no status so far as I have been able to determine under the immigration laws and which has

superseded the functions of the immigration inspector at Detroit. It is worthy to note that the official records of the aliens held at Fort Wayne were removed from the office of the immigration inspector in charge and taken by this "Citizens Committee" and examined in private offices. One of the individuals released, after ordered deported, without bond of any sort was ALEXANDER BUKOVITSKY, previously mentioned, and who, while being held, made threats against the government of the United States and against officers thereof. Likewise AUGUST HERRMANN, another alien released without bond, after being ordered to be deported, stated while in custody that "all the government officers would either be put to death or exiled when the revolution came". These are samples of the type of individuals being released after ordered to be deported, without being required to furnish bond of any sort. Other cases could be named to the Committee, but I believe that the above is sufficient for the Committee to draw its own conclusion as to the irregular, if not illegal, practices being followed by the Assistant Secretary of Labor in dealing with the cases of alien radicals in the city of Detroit.

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CHARGE THAT AGENTS OF THE DEPARTMENT OF JUSTICE COMMITTED
FORGERY IN ATTACHING WITHOUT AUTHORITY ALIEN'S SIGNATURE TO
THE SUPPOSED EXAMINATION.

Mr. Balston, attorney for Mr. Post, has made the charge that the agents of the Department of Justice had committed forgery in attaching without authority the alien's signature to the supposed examination. This is another of the many instances of misstatement of fact conceived in a fertile imagination. I challenge Mr. Balston or anybody else to substantiate this statement and I ask that the Committee require that it be either proven or withdrawn. I have made inquiry amongst all the agents of the Department of Justice and my reports indicate that no statements were ever obtained from aliens in any manner which could amount to durance or sharp practice. It goes without saying that if I discovered any agent had signed an alien's name to a statement without authority, such agent would not only be promptly dismissed but prosecuted for his offense. It is the duty of Mr. Balston, instead of attempting to besmirch the entire Department of Justice by accusations of this character, to produce his evidence against the individual or individuals whom he charges with crime.

Of a similar character is the charge made by Mr. Balston that "we have sunk to the level of the police government under the Czar of Russia" and that such is the view of his client, Mr. Post. I shall not dignify such a charge with any answer. The Department of Justice is charged with the enforcement of the law and in this, as in other matters, the Department has endeavored to enforce the law without fear or favor, without passion or prejudice, regardless

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of the persons involved, giving to every man all the rights that he is entitled to under the Constitution and the laws. To compare the system of the administration of justice in the United States with that prevailing under the Czar of Russia, is a wild comparison amounting to a deliberate falsehood quite unworthy of any man who himself professes to be a member of the legal profession.

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Charge that men have been arrested at their homes at midnight and at 3 o'clock in the morning and that searches of their premises have been made without warrant.

In the letter of the Chairman to the Committee, Mr. Post is alleged to have made the statement that men were arrested at midnight and taken out of their beds without warrants and their homes and their houses searched without warrants--not by the Department of Labor. He further stated that he did not undertake to say by whom but that it was a fact. I wish that the Assistant Secretary of Labor would endeavor to be more specific in his statements and be more definite in charges which are so general in nature. I do not maintain that in nation-wide arrests there are not certain instances which occur in which persons may be taken into custody without warrants, but such have in no sense been general. Warrants of arrest for the aliens taken into custody on the night of January second were obtained in advance where membership in the organization of individuals had been established by a previous investigation. In round numbers there were approximately 3,000 warrants issued before the arrests were made. The majority of arrests made on the night of January second were made at meeting places of the organizations and the few arrests that were made at the homes of aliens were not made in the melodramatic manner which the Assistant Secretary of Labor is prone to picture. Where the aliens were assembled at their meeting places and an actual meeting of the Communist Party was in progress the agents of the Department of Justice did take into custody all aliens attending that meeting. It is quite likely that warrants had not been obtained for all such persons but it is sufficient it seems to me that when an alien is apprehended in the commission of the unlawful act that the action of the government officer taking him into custody is warranted. Certainly it could be claimed that if the government officers had visited a meeting place and had permitted aliens found there for whom warrants had not been previously obtained to depart that they had been derelict in their duty. It is the same situation that is faced by a police officer when he witnesses the commission of a misdemeanor or of a crime. Certainly it is not claimed that the officer should return to the station house and obtain a warrant for the person committing the act, for, if such were to be the case, when the officer returned to serve the warrant the miscreant would have disappeared and could not be found.

It would be thought from the expressions of Mr. Post regarding wholesale arrests, that the action of the agents of

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the Department of Justice in taking into custody some aliens before the issuance of the warrants, was without precedent, but Mr. Post overlooked the fact that that method of procedure is quite general in his own Department. On the Mexican and Canadian borders hundreds of aliens have been taken into custody without warrants of arrest.

The Department did earnestly strive before requesting the initiation of deportation proceedings in the radical cases to obtain its evidence, and ascertain the name and address of the members whose arrest it sought to consummate. In the cases of those apprehended without warrants, it was the exception rather than the rule to make the arrest. Large batches of warrants were issued and served. The aliens who were taken into custody without warrants, in the majority of cases, were found in the meeting places of the radical organizations, which is at least prima facie evidence of affiliation therewith. Many of them had membership cards in their possession or stated on questioning that they were members.

Surely in the circumstances, Agents of the Government would not be justified in failing to take such persons, into custody there and then. Incidentally, this answers Judge Anderson's criticism.

The warrants were handed to the agents of the Department of Justice for service, and in most instances these agents were accompanied by Immigrant Inspectors. These inspectors have as much latitude in effecting the apprehension of radicals as classes of aliens found in the United States in violation of the Immigration Law (particularly those given surreptitious entry into the United States at points on the Canadian and Mexican Borders). No one would seriously contend that when an inspector finds such an alien that he should permit the alien to proceed to the interior of the country pending the receipt of a warrant of arrest from the Secretary of Labor in Washington. There have been instances of wholesale raids made by the Inspectors of the Immigration Service in restricted ("red light") districts where numerous alien women of ill fame have been taken into custody without warrants of arrest. Chinese aliens are frequently arrested without warrants and subsequently deported under the immigration law rather than the Chinese Exclusion Acts.

I might state that in the letter of instructions issued to the agents of the Department of Justice, which will be made a part of the records of this Committee in connection with the charge that agents of the Department of Justice have engaged in provocateur work, the agents were instructed to obtain

search warrants wherever necessary. It has been claimed that the words "wherever necessary" meant that they should only obtain them where they could not get by without them. Such language was not used. It meant that when there was no public meeting being held into which the agents of the Department of Justice might have access that they should obtain search warrants to permit their entry and in many places search warrants were obtained where it was necessary. The Assistant Secretary of Labor has laid great stress upon the applicability of the SILVERTHORNE case and the JACKSON case. The Silverthorne case was a case arising in New York City and was appealed to the United States Supreme Court and involved the taking of certain papers belonging to the Silverthorne Lumber Company without warrant and the court held that papers so taken could not be used against an American citizen in a criminal charge. The Jackson case arose in Montana and was the case of an alien arrested on a warrant of deportation, in which certain evidence was obtained without search warrant and the court held that such evidence could not be properly used against the alien. Upon these two cases the Assistant Secretary has ruled out considerable evidence obtained by the Department of Justice on the night of January 2nd, with the result that warrants in these cases have been canceled. It is worthy to note in this connection, however, that a communication was received from the Assistant Secretary of Labor under date of March 30, 1920, in which he requested the Department of Justice to appeal the Jackson case, because, as he pointed out he felt that the court in the Jackson case had erroneously based its decision upon the Silverthorne case. The Assistant Secretary took pains to point out that the Silverthorne case dealt with criminal proceedings, while the Jackson case was purely administrative, and pointed out the case of Fong Yue Ting v. United States, 149 U. S., at page 730, in which the United States Supreme Court held that the provisions of the Constitution securing the right of trial by jury and prohibiting unreasonable searches and seizures, cruel and unusual punishment, have no application in deportation proceedings. In view of this attitude of the Assistant Secretary of Labor to the effect that he considered the Silverthorne case inapplicable in deportation proceedings, I am somewhat at a loss to understand his application of that case to the hundreds of cases of persons arrested on the night of January 2nd and in which he has seen fit to cancel warrants. The letter of the Assistant Secretary to the Department of Justice should be made a part of the record.

It can thus be seen that in the case of Fong Yue Ting, the United States Supreme Court has intimated what its atti-

This would be upon this question and in my opinion and in the opinion of the Assistant Secretary of Labor, I believe, if his letter of March 30, 1920 stands for anything, that the Silverthorne case is wholly inapplicable and that the Jackson case is erroneously decided. Also considerable comment has been made before this Committee upon the case of Whitfield v. Hanges, and I believe the Assistant Secretary has intimated that he would stand by fall upon this case. I shall later discuss the merits of the argument in the Whitfield case. It is to be borne in mind that this case did not go to the United States Supreme Court, and it is also to be borne in mind that many of the questions passed upon in the Whitfield case have been passed upon by the Supreme Court and passed upon contrary to the idea of the presiding judges in the Whitfield case. The ruling in the Feng Rue Ting case should have governed in the Whitfield case.

Considerable comment has arisen over the methods followed in the Boston district in effecting the arrests of alien communists. ~~It is in my opinion~~ That in no instance was any search of premises made over the protest of the person involved. At the first protest meeting after the January raids held in Boston February 25, 1920 it was openly stated by the Communists that the Department of Justice men acted the part of gentlemen and treated the aliens with every consideration. Frequent mention has been made by Judge Anderson of the Red hysteria but if one may judge from his instructions to the U. S. Marshal the Judge did not possess such peace of mind as he was prone to profess for he instructed the Marshal to use extra precautions and exercise extraordinary vigilance and protective measures during the habeas corpus proceedings ~~in his court~~.

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M E M O R A N D U M . (Martens Case)

The Post has refused the Department of Justice the permission to question Mr. Martens, the so-called Bolshevik Ambassador.

The Department of Justice gathered together and carried out the various investigations made into the activities of LUDWIG C. A. MARTENS, representative of the Soviet government in the United States. After the evidence had been gathered a detailed brief was submitted to the Department of Labor and on January 2, 1920, a warrant was issued by the Acting Secretary of Labor, Mr. Abercrombie, for the arrest of Martens, charging him with being a member of an organization which advocated the overthrow of the government of the United States by force and violence. There is attached hereto a copy of the brief prepared upon Martens, together with a letter subsequently received after the preparation of this brief, which clearly shows Martens' connection with the communistic movement in the United States. This letter was written by RUTGERS, the head of the propaganda bureau of the Communist International and is addressed to Martens as "Comrade Martens". The letter in itself is most damaging to Mr. Martens' right to remain in the United States whether as an individual or as a representative of a government which claims for itself the right of recognition by this government.

Bond was fixed for the release of Martens at \$10,000 by Mr. Abromowicz. The United States Senate appointed a committee to inquire into the activities of Martens and his associates in the United States and out of deference to the wishes of that committee the service of the warrant upon Martens was postponed until the Committee could complete its inquiry. When the inquiry was completed, the Assistant Secretary of Labor, Mr. Post, had called in the warrant and had cancelled the bail in the case, doing so without first communicating with the Department of Justice, or advising it of his action. Martens was called to the office of the Assistant Secretary and turned over to the custody of his attorney by Mr. Post, without bond, though he was well able to furnish the same, and the evidence submitted warranted not less than \$10,000 bond.

At the first hearing before the Assistant Secretary, Mr. Post used the following language:

"The Attorney General will be represented. Any questions they wish to ask of any witnesses, you will conduct. You will take the questions from them and ask them."

The Assistant Secretary was speaking to the immigration inspector and by his ruling the Attorney General would be permitted to be present, but any questions desired to be asked by the Department of Justice could not be asked direct but must be asked through the inspector, though counsel for the alien was to be permitted to ask questions direct of witnesses and cross-examine government

witnesses. On April 19, 1920, a request was made of the Commissioner-General for permission to ask questions direct of Mr. Martens, basing the request upon the fact that to ask them through a third source would prove decidedly unsatisfactory and detrimental to the interests of the Government in obtaining the information desired. On April 21, 1920, the Assistant Secretary, Mr. Post, replied to the effect that the previous instructions given by him would be followed and that to do otherwise would be to depart from the established practice and the law and would also reflect upon the integrity of the inspector conducting the case. The Department of Justice replied to this communication on the 22nd of April, stating that there was no thought of reflecting upon the integrity of Inspector Schell but that the sole purpose for requesting the right to ask questions direct was that in a cross-examination if questions must be asked through a third party the witnesses may oftentimes construct his answers in such manner as to evade the real purpose of the question. On the 30th of April the Assistant Secretary replied to this communication stating that the inspector was to conduct the hearing in the usual manner and as the interpretation of the word "conduct" was plainly set forth in the Assistant Secretary's letter of the 21st of April, the same construction was in effect, namely, that the Department

of Justice could be present but could ask no questions direct. It is of interest to note that there was drafted for the Assistant Secretary's signature a letter requesting the Attorney General to give his opinion as to the legality of permitting representatives of the Department of Justice to ask questions direct. This letter was prepared by the immigration bureau, but the Assistant Secretary refused to sign that letter, asking the Attorney General for the legal opinion. He did not consult the Solicitor of the Department of Labor or any law officers thereof in coming to his conclusion which precluded the Department of Justice from participating in the hearing.

Telegram May 20-1920--

381167

REPORT MADE BY: J.S. Apelman-T.C.	PLACE WHERE MADE: cox Detroit, Mich	DE:	PERIOD FOR WHICH MADE: May 21-20
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TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:

LOUIS F. POST / ASST. Secretary Labor Parole Radical Aliens

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC..

At Detroit, Mich.

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#204

Complying with instructions contained in telegram from chief of Bureau the following information is respectfully submitted, concerning the appointment of a committee of citizens by Louis F. Post for the purpose of examining the official records and recommending the parole or radical aliens held in this district for deportation.

Reference # is made to the report of Agent Apelman for the period of April 18 to 24 -1920 entitled "Radical Activities in the Detroit District" in which report on page 4 is contained the following information; that Louis F. Post has appointed a parole board consisting of Fred.L. Butzel, Gustavus Pope, Alton Campbell and F.F. Ingram, all private citizens of Detroit, into whose custody the radicals now held at Fort Wayne will be paroled. The Inspector in Charge of the local Immigration service has received instructions from his superior to turn over the official records of all men still confined to the above mentioned citizens for their examination, so that they may determine who and how many of these aliens they desire to accept into their parole. It is understood by agent that at the conclusion of the examination of the records of aliens held, pending deportation, by the above named citizens committee, Louis F. Post is to grant this same citizen committee an opportunity to have in their possession the official records of the cases of aliens who have been ordered deported, and that where this citizens committee deems it advisable Post will re-open cases and cancel the deportation orders already issued.

Immediately upon the appointment of the above committee they called upon the local immigration inspector in charge and requested

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from him the official records of aliens held at Ft. Wayne in whose cases decisions as to their deportation had not been made. They next requested the records of aliens who were out on bonds but whose cases had not been decided as to deportation or cancellation. All of the official records on the above cases were given to the committee by the Inspector in Charge and these records were taken from the office of the local Immigration Inspector and inspected by this citizen committee in their private offices. These records consisted of the complete file in each case.

When the committee had finished a survey of the above records of cases they again appeared before the Immigration Inspector and requested the files in the cases of all aliens who had already been ordered deported. The Immigration Inspector in Charge refused to furnish them with these files but he was advised by the committee that they would take the matter up with Mr. Post, and evidently they did so, as a little later the Inspector in charge received orders from Mr. Post to turn over to the committee the official records and files in all the cases of aliens who had already been ordered deported and whose cases had been closed, except for the actual deportation of the aliens.

With reference to several cases we have seen telegrams to the Inspector in Charge signed by Louis F. Post ordering him to reduce the bonds in some cases to \$500 or to parole if the committee so recommends and we are informed that this order applies to all aliens now held on bond. In one particular case, that of a very active leader among the radical aliens who was held on a ten thousand dollar bond, his bond was reduced to one thousand dollars at the insistence of the committee.

Since the establishment of the parole committee two of the most dangerous and radical leaders in this section who have both been ordered deported and were held on high bonds, have been paroled without bond of any kind. These men, Alexander Bukovitsky and August Herrmann, were the cause of much trouble at Ft. Wayne Detention Barracks and during their confinement at the County Jail, after it was decided that the Ft. Wayne Barracks were not a safe place for them, both of them continued their advocacy of overthrow of the government of the United States and Bukovitsky openly boasted in the jail that someone would yet kill the Attorney General and that it was a shame that Attorney Constance was not killed when he was shot at in New York city.

It is also a fact that Sam Gurin and William Hamlin alias Muzikow, both organizers of the Union of Russian Workers, who have been ordered deported and were held under ten thousand dollar bond since November, 1919, have both been released on their own recognizance.

The members of the committee mentioned above are Fred Butzel, a prominent attorney at law with offices at 1014 Union Trust Bldg; Gustavus D. Pope, is the First Vice President of the Digestive Remedies Products Co., 212 Tropicis Ave; Allan Campbell is connected with the Campbell-Dewey & Stanton firm of attorneys, 2017 Dime Bank Bldg; F.F. Ingram is the President & General Manager of Frederick F. Ingram Co., manufacturing chemists and perfumers, 405 Lafayette Blvd West.

Gustavus Pope
F.F. Ingram is known locally for his radical views and has been identified with Helen L. Todd in propaganda for sympathy for aliens held by the government in deportation proceedings.

FILE
G.P.B.

Noted
F.D.W.

581169

New York City 2-20
m Palmer

S4035

Washington D.C.
Dear Sir, you know we are not so dull
that we can't think the acts
of old Louis
Philippe since
it's the Pope & regime does this he
dictates to all Catholics what they shall
do to strengthen the so called Catholic
Political Organization in America
the Catholic members of the so called church
have no mind of their own the Pope tells
them what to do all his members just
follow to do and they do so, I know son
like a book you put a real blooded
American in Posts place and America
will get justice out before long you
T.B. Frank a Patriot who cared (and)

The Political Party has always
tried to dictate their Party
Platform. In 1920

In those days in defeat you
~~were~~ Scammon had killed Wilson
In Wilson's first 2 years of his reign
Scammon made his Bosses in back
destroyed every ~~one~~ that was
written to him.

The People ~~wanted~~ I ~~want~~ Wilson
and asked him to discard Little
Willie Scammon. But he would not do
so and to do Wilson is paying the price
(Catholic Bishop Lincoln McKinley
Bengfield and First Roosevelt in 1912
were on to them and I the Person
that he do not set them out of the
U.S. Politics, the Public voice here
to do so. Let them hear their voice
Religious But they are not U.S.
Citizens because the our their
Religious is the Pope and I have no vote

Send to

Mr. Hoover

Mr. Ruch^t

Mr. Baughman

Mr. Grimes

Miss Johnson

Miss White.

35066 A

File No. 35066
"Sonis J. Post"

J.

Acted
F.D.W.



The Hon. Attorney General
of the U S

Personal

Washington
DC

"Forward" (city)
Page 5, col 1-2

348

April 20, 1937

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Mr. Palmer Report.

Secretary Wilson is a friend of Wilson. The attack on Louis F. Post may induce the Congress into an attack on Palmer. A conversation we had in the Labor Department.

By our Washington correspondent, Ben Zion.

Following a severe attack in Congress on Louis F. Post, Asst. Secretary of Labor; after the press had spread this selectable news broadcast and after a resolution to impeach him had been brought in, which was afterwards changed into a congressional investigation, I went over to the Labor Department to see how Mr. Post feels about all that and about what he intends to do in the matter.

Louis F. Post is a "fighter". He looks like a small skinny little Jew (although he is not a Jew) with lively and deep penetrating eyes. His very intelligent face, accented with a nice little beard, makes him indeed look much like a little Rebbi. And small as he is he occupies a desk so big that you can hardly notice him there. But the moment you start to speak to him or rather, when you hear him speak to you, you forget to notice his small stature and you observe only his greatness of mind.

I must confess that I fell in love with him the first time I had a conversation with him. It is very easily possible that my good opinion of Mr. Post may be exaggerated, yet among all the government officials in Washington there are so very few great minds, that such as Louis Post--a broadminded man possessing also a warm sympathetic heart, is simply considered a jewel. He is far above the great number of officials you find there.

Will Louis Post be discouraged by the attacks made upon him in Congress and by the press? I was greatly troubled by that question, although I know that Louis Post is a fighter. But Senator La Follette also, was a fighter, a very able and serious fighter at that, and still for more than a year not a word was heard from him. It is easy enough to fight; but when you run your head against an iron wall you will have to stop; and it fails to the lot of any somewhat liberally inclined men nowadays to fight such very strong opposition, so as to make it very difficult to come out successful. Will Louis F. Post succeed?

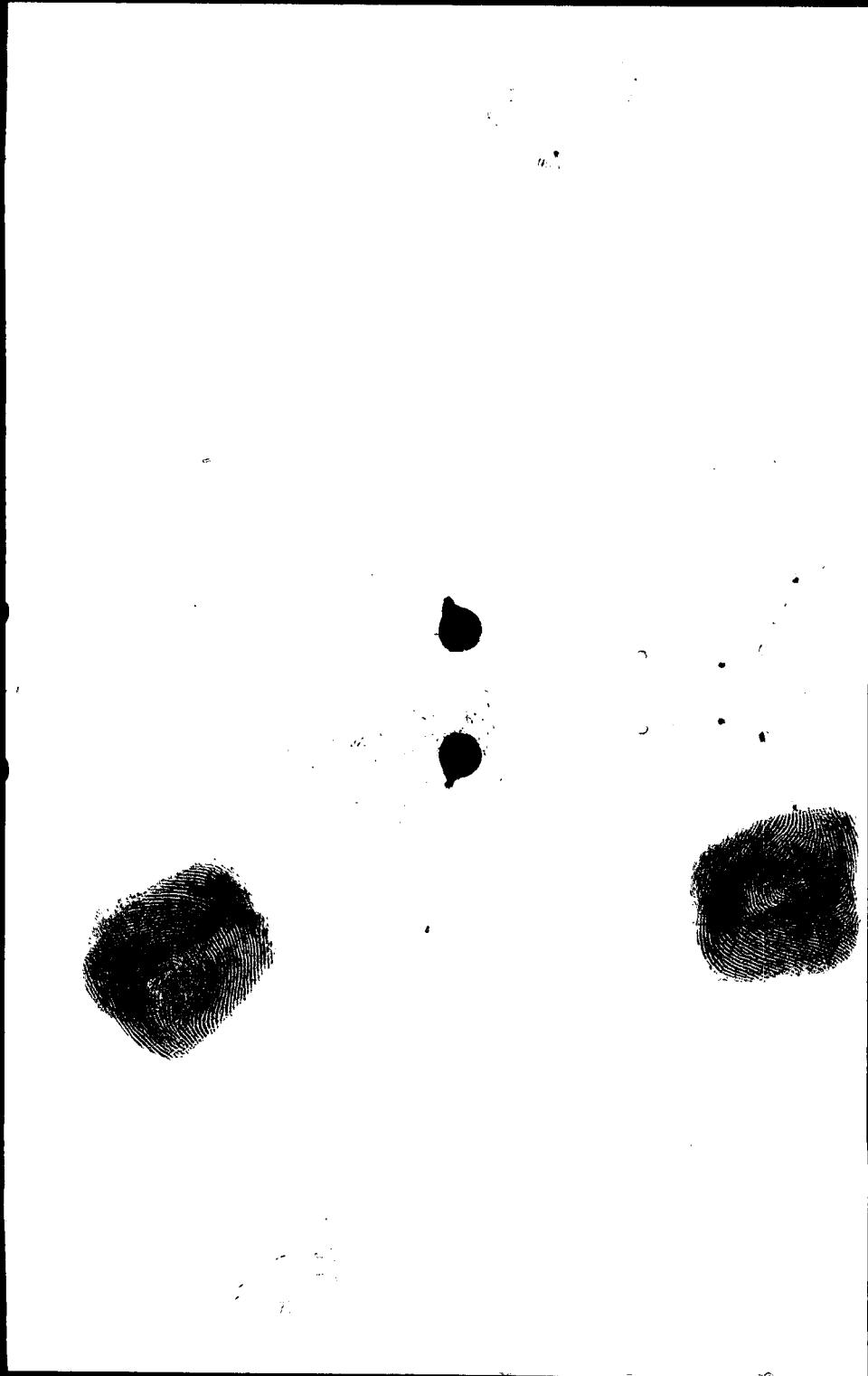
Another weighty question bothered me. Is Louis F. Post alone in this fight or does the whole Labor Department stand behind him?

Secretary of Labor William B. Wilson, is not a bad sort of a fellow, but, judging from all that we know of him, he is a weakling. He impresses one like an old woman. It would seem that he always means well, but he is not strong enough in character or not deep enough in his convictions to fight for them. Does he now stand with Louis F. Post in the fight against the Department of Justice and does he intend to lead that fight?

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58
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April 26

-2-

The conversation about those two questions I had with a person who is quite closely acquainted with both, Post and Wilson, and who is thoroughly informed about all that is going on in the Labor Department. He is one of the most prominent persons in the Department of Labor and his opinion is the most reliable. According to his opinion Louis F. Post never for a moment thought of abandoning the fight, while Secretary Wilson stands with Post and will stand with him until the finish.

According to that persons opinion the American people have not taken the right measure of the Secretary of Labor. He is taken for a weakling because he settles very many things by means of compromises. But he does so, not because he can't fight for his conviction, but because he first considers the matter in its entirety, rather than fret about details. He makes compromises on minor and side issues, but he remains unalterable decisive on matters of principle and importance. The present clash between the Department of Labor and the Department of Justice involves a question of principle, the question of whether our laws shall be interpreted in a liberal manner and whether persons indicted shall have their constitutional rights. That principle the Secretary of Labor will not abandon even by hair's breadth.

The Department of Labor will not permit under any consideration that the present dispute shall develop into anything personal. The person of Louis F. Post does not play here any important part. The decisions made by Post, which are strongly disapproved by the Department of Justice, are the decisions of the entire Department of Labor and that Department will defend them.

Concerning President Wilson's attitude we gathered the following from the discussion.

The general impression existing is, that the President sides with A. Mitchell Palmer, the Attorney General. It is even generally believed that Mitchell Palmer is the choice of the present administration for Presidential candidate. We are given the assurance that this impression is very false. The President will not stand by Palmer and he will positively oppose it that the Democratic Party nominate him as their Presidential candidate. The President's attitude towards the entire conduct of the Department of Justice as regards to the "raids" and the persecution of the Reds and foreigners is not quite clear. He did not have an opportunity to get closer acquainted with all details of this affair, but a very important point is here indicated which throws much light on the this question, namely: All politicians know that Mitchell Palmer adopted this course of persecuting radicals as a welcome means to advertise himself personally. In political circles it is often mentioned that his persecution of "Reds" is part of his campaign methods. Some people think, that this was not its original purpose, but only a result--only few people doubt this. Now, being sure of it that the President opposes Mr. Palmer's candidacy for President, it naturally follows that he will not be easily ready to support Palmer's best and strongest campaign means.

In this case, as I have said, revolved around the question on the
one hand, whether the Department of Justice is strong as it
can be, or perhaps a bit principal actors. We have paid so much
attention to the persons because in political life persons play
an important part. As to the basic principle of justice
involved in the case itself, the Labor Department feels absolute-
ly certain in its ability to prove that it was right in its act-
ions.

In this case, which has already previously been cited by us
(the case of Thomas Truscott), and which has finally culminated in
the clash between,--one may say--the Reactionaries and Liberals,
in which the Labor Department is not afraid of submitting to
any investigation. The truth is, that in this case the Labor De-
partment observed both, the spirit and the letter of the law.
The Department of Justice, on the other hand, did not observe the
law. It thought that one need not be very "particular" on law
where it concerns such people like "radicals", especially if they
are "aliens". At it is an undeniable fact that persons were arrested
without warrants and houses were raided without the required legal
papers. These facts cannot be denied and it will not be difficult
to prove them. If things run smooth, what does law amount to be-
tween people of the same ilk. But when it comes to a clash be-
tween two strong forces, then the law plays indeed a very import-
ant part. In this case the labor Department has the Law back of
it and for that reason it feels so strong.

Mr. Palmer, the Attorney General, has unfortunately fallen
pretty deep into the mire and it may yet come to pass, if Congress
should seriously enter into the investigation, that, instead of
a charge against Louis F. Post, it may be changed into a charge
against Palmer. It is another story of Mordechai and Haman or the
coming true of the old saying: "Who digs a hole for someone else
falls in himself."

MSW

J. Mandl, Translater.

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380147
JUN-22

June 8, 1920

MEMORANDUM FOR MR. HUNT.

I am returning to you the letter received by the Attorney General from Mr. Jerome R. George relative to the nationality and religious faith of Mr. Post and his ancestors. I do not believe it would be advisable to furnish this information, for it might be misconstrued if it came to the knowledge of persons antagonistic to the efforts of this department. I would suggest that Mr. George be advised that "WHO'S WHO IN AMERICA" contains a full and detailed biography of Mr. Post. I might state that Mr. Post is a native-born American of Protestant faith. His ancestors were also native-born, as far as we can find out.

Respectfully,

380167

JER-FMR

CODE

May 26, 1920.

PENDLETON,
Federal Bldg.,
New Orleans, La.

Am informed that Lieutenant Alvin P Howard comn Hibernia
Bank Building New Orleans formerly connected with Military
Intelligence made extended investigation in New Orleans
in nineteen eighteen in which information was obtained
concerning the irregular actions of Louis F. Post Assistant
Secretary of Labor. Communicate confidentially with
Lieutenant Howard and ascertain the titles of his reports
which were forwarded to Military Intelligence as the
Military Intelligence Office this city cannot locate the
same. Five, Stop.

BURKE, CHIEF.

381167

May 26, 1920.

MEMO TO MR. BURR FROM SPECIAL AGENT IRISH:

In re : Assistant Secretary Post of the Department of Labor.

I was told confidentially that Assistant Secretary Post of the Department of Labor had a publicity woman who is getting up a pamphlet on "THE WORKING GIRL IN THE FACTORY" and comparing same with the Attorney General's daughter. These circulars are supposed to be distributed in the Far Western and eastern cities.

(Information from A.G. of D. D.L.)

PG

Have told Irish to go
further and entertain his
friends at the hotel. J.B.

REB-6PO

381167

June 10, 1920.

W. L. Hurley, Esq.,

Department of State.

Dear Mr. Hurley:

I am informed that you are desirous of obtaining a copy of the Attorney General's statement before the Committee on Rules relative to certain charges made against this department by Mr. Post and others.

I take pleasure in inclosing herewith a copy of the report requested.

Very truly yours,

Signed) J. E. Hoover,
Special Assistant to the Attorney General.

Incl.

381167

76029

June 10, 1980

GPR-NMP

0005

Barkay

Owen Building.

Detroit Mich.

Reference telegram ninth instant regarding representative of Assistant Secretary of Labor Post stop Make immediate very discreet undercover investigation ascertaining name of this individual and scope of his activities stop Matter must be handled by very competent agent and treated strictly confidential stop Advise result by wire Stop five

BURKE Chief.

10
JHE-SPO

381167

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June 10, 1920.

Allan J. Carter, Esq.,
Department of State.

Dear Mr. Carter:

I am inclosing herewith a copy of the Attorney General's statement before the Rules Committee in reply to certain charges made against this department by Mr. Post and others. You will also find in this document a very clear statement as to the radical activities in general and a very clear statement as to the revolutionary background both in this country and abroad.

Very truly yours,

(Signed) J. E. Hoover,
Special Assistant to the Attorney General.

Incl.

W

381169 EX-20

June 10, 1920.

Honorable Charles H. Brand,
House of Representatives.

My dear Congressman:

I am in receipt of your telephonic request
for a copy of the Attorney General's statement before the Rules
Committee, House of Representatives, in reply to certain charges
made against this department by Mr. Peet and others.

I take pleasure in inclosing herewith a copy of the report
which has been printed upon order of the Rules Committee. They
have issued a second volume and as soon as they receive a copy
of the same, I will be very glad to forward a copy for your
information.

Very truly yours,

Special Assistant to the Attorney General.

Incl.

"IMPEACH PALMER DEMAND N. Y. UNIONS

**Sleek Head of Department of Justice
Compared to Agent of
Ex-Czar**

Federated Press.

New York.—The workers of greater New York have set on foot a movement to demand the impeachment of Attorney General Palmer.

The nerves of labor have reached the breaking point as far as the department of justice is concerned. Within the last few weeks there have followed in succession the arrest of the rail insurgents, the May-day insult to labor, and the case of Andrew Salsedo. Nobody here can estimate how much a breaking point in labor's patience. Salsedo's desperate suicide has proven. It is certain that almost every workingman in New York feels that the Italian leaped those fourteen stories from the department of justice prison because he despaired of finding justice.

The Central Federated Union of Greater New York, credited with being the most patient and conservative labor group in the city, has passed a resolution endorsing Palmer's impeachment that is perhaps the most stinging and sweeping condemnation of a public servant on record. More than that, the resolution was passed unanimously, with the enthusiasm of pent-up indignation.

"Under the present administration, no one is safe," cried one of the delegates. "If they can drive Salsedo to death, and railroad men to jail, they can take any one of us. And we would have a better chance of getting justice than Salsedo."

The impeachment movement began with the American Legion Party, according to William Kohl, editor. A preliminary meeting was held May 10 at which civic and labor bodies arranged a great mass meeting of protest. At that meeting there will be no general issue, couched in general terms. There will be only one issue—the setting of the tides of America's indignation against one man as standing for a particular policy. That indignation will be conveyed through a congressional committee which will demand Palmer's impeachment if so planned.

Palmer, "Traitor to America"

Here are some of the indictments, culled from the C. I. U. resolution which denounces Palmer as "an enemy of the labor movement, a traitor to American principles, a disloyal foe of the constitution of the United States, and a faithless public servant":

Attorney General Mitchell Palmer has built up in the United States an infamous and despicable secret spy system, identical with that of the former Russian Czar.

Attorney General Palmer seeks a pretext to perpetuate this system, created by the war-emergency, and to maintain enormous public expense a vast army of detectives, informers, gunmen and provocateurs to prey and spy upon the American people.

In pursuit of this pretext, Attorney General Palmer keeps up a campaign of propaganda to discredit organized labor and seeks to brand as rebels against the government workers who strike to gain collective bargaining and a wage sufficient to maintain an American standard of living for them.

As another device to maintain political capital and to maintain the jobs of his secret spy army, the Attorney General spread abroad a malicious and ridiculous prediction of a May Day assassination plot by wage workers of the United States.

The department of justice, in its own admission places detectives among workers to incite to violence and thus to facilitate arrests; maintains secret jails; orders secret arrests, conducts secret inquisitions; denies its victims the right of consultation with attorneys; of speedy and public hearings before magistrates, and of other rights guaranteed by the constitution and commanded by common human decency.

The iron molders of Manchester, England, on strike since September, have voted 17,667 to 11,262, to return to work.

Underpaid Railroad Workers Forced to Live in Box-Cars

Milwaukee.—Six persons living in a box car converted into a two room "apartment." Multiply this by 30 and the readers will have an idea of the condition existing in New Butler, Wis., where section hands of the Northwestern road are living in the box car colony and adding to the population of Waukesha county by bringing children into the world and rearing them in filth.

Croatians, Serbians, Poles and Japanese make up the colony. When the families get "too large" the company permits them the use of two box cars each. The average family is living in one, however, and crowding all the members into one sleeping room.

In the early spring the colony wades from one box car to another and the men start to work with wet feet because of the streams of water that surge between the "buildings."

The occupants of the colony pay no rent for their "homes." The wage paid to the fathers of the colony is 39 cents an hour.

The result of low wages and crowding into small quarters is plainly seen in the filth in the "homes" and faces of the children who are some day to be voting citizens of Waukesha county and aid in selecting presidents of the United States.

Pennsy Lines Tell Employees Labor Unions Are Unnecessary

An attempt to convince employees of the Pennsylvania lines that membership in a labor union is not necessary to secure a fair deal is set forth in the following circular issued by J. C. Rodgers, regional vice president of the road:

Statements are being circulated among the members of the Mechanical Craft at our Shops, Enginehouses and Transportation Yards, that anyone who desires to maintain their seniority rights and positions on any roster may not do so without joining a labor organization.

Such reports and statements are absolutely without foundation and cannot be sustained by those circulating them.

It is not necessary that you belong to a labor organization to maintain your seniority rights. The seniority rights of any employee will be governed by the length of service and the exercise of those rights by length of service, and the exercise thereof, would in no way depend upon membership in any labor organization.

The Pennsylvania System will in no way coerce any employee against any such employee's will to join or not to join any organization whatever.

A railroad worker who has experience with the paternalism of the company sent the circular to The New Majority and asked that it be published in order that other workers could see one of the methods used to destroy the railroad workers' unions.

MINNEAPOLIS HOTEL OWNERS ARE PICKETS

Lock Out Their Employees and Try to Drive Trade From Bosses Who Favor Unions

Federated Press

Minneapolis, Minn.—Picketing by the bosses, members of the Hotel and Restaurant Keepers' Association, is one of the developments of the lockout of culinary workers by all the large hotels and high priced eating places in this city.

The lockout, which is the beginning of a non-union shop fight, took place when the cooks, waiters and waitresses submitted demands for a wage increase. With the exception of a few places all the downtown restaurants refused to meet the union's committee and locked out their employees.

One of the restaurants in a department store, refusing to sign the so-called "open shop" platform of the Citizens' Alliance, found members of the Hotel and Restaurant Keepers' Association picketing the place and attempting to keep business men from patronizing it, telling them the owner was in favor of union labor and the "closed" shop.

One restaurant owner who had signed with the union was called up by his banker and notified that no more credit would be given him until he put the "open" shop card in his window. After considerable pressure was brought to bear by the Citizens' Alliance he repudiated his agreement with the union and joined the "open shoppes."

Double Cross Culinary Workers

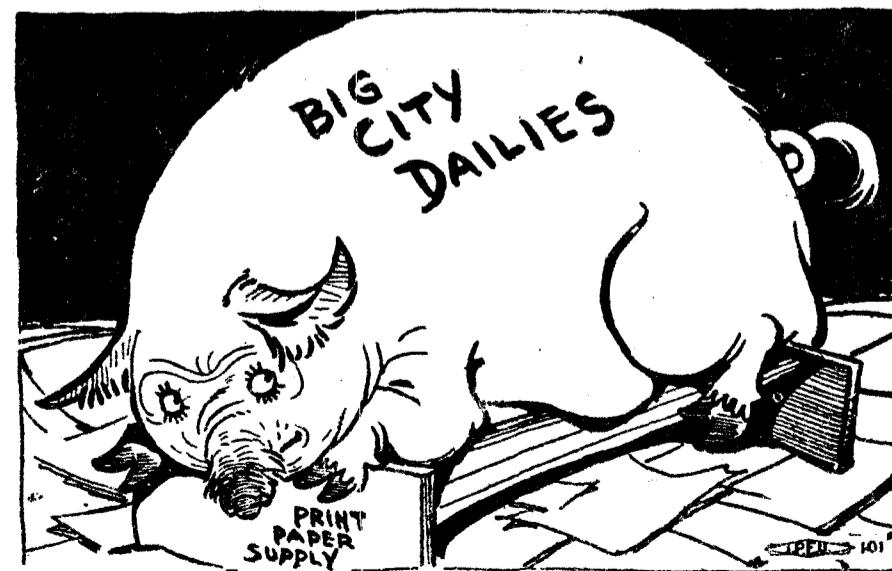
Two of the millionaire clubs, agreeing to the union's demands, later forced the culinary workers out, after a heated session of the board of directors called at the instigation of the Citizens' Alliance.

Most of the proprietors deciding in favor of the "closed" shop, however, have been posting notices in the windows that when they reopened they would operate under the open shop plan.

Representatives of the culinary workers state that the only demand made upon the employers was for a wage increase. In establishments where the open shop had prevailed working conditions were to remain the same and where all union workers had been employed the same condition was to prevail under the new agreement.

WORKERS! Quit Feeding This Hog

—ALL
YOU
GET
IS
A
GRUNT



BOOST YOUR OWN PAPER

381167

File

Louis J. Post Case

6

8
12

29wa 57 collect govt

22024

Syracuse, N. Y. April 20, 1920

Burke,

Department Justice,

"ashington, D.C.

Five stop refer your wire sixteenth removably kittapuwls at Cortland New York ten Jibbing sober order assistant Flashman dismounted eight now philologist started plenitude gormandizer today threaten to continuum until tubercle or evirato no recluselyness since their rosider period cortland county satyrs procreated over trifler in tubercles and account of uomereaults.

Tormey

2 45 P.M.

64022

29ma 57 collect govt.

Syracuse, N. Y. April 20, 1920.

Burke,

Department Justice,

Washington, D. C.

Five stop Refer your wire sixteenth alien Communists at Cortland New York ten warrants cancelled Order Assistant Secretary of Labor Post eight now held started hunger strike today threaten to continue until deported or released no activities since their arrest period Cortland county authorities indignant over delay in deportation and account of cancellations.

Tormey.

Louis Drift
JMH-GPO

381167

21920

April 27, 1920.

XMT
Jan. C. Torrey, Esq.,
614 S. A. & K. Blg.,
Syracuse, New York.

N.C.W.
Not
permitted

Dear Sir:

I am in receipt of your telegram of April 20, 1920, relative to the cancellation of warrants of deportation by the Assistant Secretary of Labor. In your statement that the authorities in Cortland County are indignant over the delay in deportation and cancellation of warrants, I can well sympathize with the attitude of the Cortland County authorities and you have no doubt noted that several investigations have been started in Washington for the purpose of looking into the action of the Assistant Secretary of Labor in these matters. I feel that the cases which have been submitted to the Department of Labor have been clearly shown-established and the action in cancellation of same is unwarranted. However, as the deportation statute comes within the jurisdiction of the Department of Labor, the Department of Justice has no decision whatsoever in the matter.

Very truly yours,

Assistant Director

381167

JMH:BD

7402*

May 16th, 1920

Cec. P. Kelleher, Esq.,
Winthrop Bldg.,
Boston, Mass.

Dear Sir:

I am inclosing herewith a copy of communication received from the Chairman of the Committee on Rules, of the House of Representatives which was forwarded to him by counsel for Louis F. Post.

You will note that the conditions set forth are alleged to have been ~~set forth~~ ^{published} in your territory. I desire that you at once prepare a detailed statement answering allegations set forth, and forward the same to this office marked attention Mr. Hoover, not later than Monday evening, May 17, 1920. It should be forwarded by special delivery.

Very truly yours,

Assistant Director and Chief.

381167 Memo - Mr Hoover
April 20-1920

POST, LOUIS FREELAND, -- assistant secretary of labor,
editor; b. Vienna, New Jersey, Nov. 15, 1849; s. Eugene
J. and Elizabeth (Freeland) P.; public school education;
m. Anna Johnson, of Hackettstown, N.J., July 6, 1871 (died
Nov. 14, 1891); d. Alice Thacher, of Orange, N.J., Dec.
2, 1893; father of Charles Johnson P. Learned printer's
trade, Hackettstown; admitted to New York bar, 1870;
assistant U.S. Attorney, New York, 1874-5; editorial writer
on New York Daily Truth, 1879-82; returned to law practice,
1883, and abandoned it, 1890. Became interested in Henry
George and his teaching, 1881; ran for Congress in New
York on labor ticket, 1882, for atty.- gen. of N.Y. on
Greenback ticket, 1883, and for dist. atty. of New York
on labor ticket, 1887. Has advocated singletax and allied
economic reforms since 1881; edited the Daily Leader (George
campaign paper), 1886; contr. to The Standard, 1886-91;
editor, same, 1891-2; editor, Cleveland Recorder, 1896-7;
founded, 1898, and, with Alice Thacher Post, editor The Public
Chicago, until 1913; asst. sec. of labor, U.S., 1913--.
Chairman Single Tax Nat. Conf., New York, 1891, Chicago
1893. Mem. Chicago Bd. Edn., 1906-9; pres. Chicago Charter
Conf., 1906-8. Mem. Manhattan Single Tax Club, New York.
Clubs: Literary, City (Chicago); Cosmopolitan (Washington).
Author: The George-Sewitt Campaign, 1887; Ethics of Demo-
cracy, 1905, 2d edit., 1916; The Prophet of San Francisco,
1905; Ethical Principles of Marriage and Divorce, 1906;
Social Service, 1909; Land Value Taxation, 5th edit., 1915;
The War and What It Means to Us, 1917.
Legal Residence: Chicago. Home: 2613 12th St. N.W.
Office: Dept. of Labor, Washington.

30 167

JMK-GPO

24015

May 18, 1920.

Honorable Philip P. Campbell,
House of Representatives,

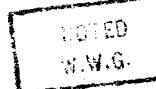
My dear Congressman:

You informed me several days ago that the
brief submitted by Mr. Balston on behalf of Mr. West would be
returned in rough proof and you would be very glad to let me
have a copy. If this proof has now been returned by the
Government Printing Office, I would consider it a great favor
if you would please give a copy to the bearer.

Very truly yours,

Special Assistant to the Attorney General.

301167



POST, LOUIS FREELAND, -- assistant secretary of labor,
editor: b. Vienna, New Jersey, Nov. 15, 1849; a. Eugene
J. and Elizabeth (Freeland) F.; public school education;
m. Anna Johnson, of Hackettstown, N.J., July 6, 1871 (died
Nov. 14, 1891); 24, Alice Thacher, of Orange, N.J., Dec.
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trade, Hackettstown; admitted to New York bar 1870;
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1883, and abandoned it, 1890. Became interested in Henry
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on labor ticket, 1887. Has advocated singletax and allied
economic reforms since 1881; edited the Daily Leader (George
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Chairman Single Tax Nat. Conf., New York, 1891, Chicago
1893. Mem. Chicago Bd. 3d., 1906-9; pres. Chicago Charter
Conf., 1906-8. Mem. Manhattan Single Tax Club, New York.
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1905; Biblical Principles of Marriage and Divorce, 1906;
Social Service, 1909; Land Value Taxation, 5th edit., 1915;
The War and What It Means to Us, 1917.
Legal Residence: Chicago. Home: 5813 12th St. N.W.
Office: Dept. of Labor, Washington.

21167

74017

103kmhd 12pm 22 gvt.

On Boston, Mass. May 20, 1920.

Barker,

Dept. of Justice,

Washington,

Replying to your telegram ninetysixth regarding charges made by
counsel for Mister Post delayed report now being prepared
expect have same in mail tonight.

Keller.

381167

24016

JMK-GPO

CODE

May 29, 1920.

Burke,

Owen Bldg.,

Detroit, Michigan.

Am advised that Assistant Secretary Post has appointed a committee of Detroit citizens to pass upon the release of aliens and who had access to all official records of immigration service in Detroit. Ascertain confidentially whether such is true and furnish detailed report upon activities of this committee, together with such information as you are able to obtain upon individual members thereof. Forward this information special delivery, attention Mr. Hoover. Step. Five.

BURKE, Chief.

FILE BUREAU FILE

381167

JEN-BRN

24012

May 25, 1930.

MEMORANDUM FOR THE ATTORNEY GENERAL.

After several discussions with Mr. Garvan, relative to the manner in which the charges of Mr. Post against this Department should be answered, we came to the conclusion that there should be prepared in advance the entire statement so that the press might have the advantage of having something concrete upon which to formulate their articles. It was thought advisable to use the words of Mr. Garvan not to "mince words" but to take the attitude that we were endeavoring to assist the committee in its investigation and that that was our primary purpose and that incidentally thereto we did answer the charges made by Mr. Post. We thought that it would be an excellent opportunity not only to answer these specific charges but to also tell the committee and the country the real story of the Red menace, both the International and National phase of the same, the efforts of the Department of Justice to specifically curb the spread of Bolshevism, and the results obtained from these efforts and finally the consequences following the action of the Assistant Secretary of Labor in cancelling the warrants.

I enclose, marked "A" the testimony of Mr. Post before the Rules Committee. I was present during the entire time that he was before the committee and the charges made by him, as well as the innuendo given by him could lead one to but one conclusion, namely that the Department of Justice had broken all rules of law in its activities against the Reds and had aggressed brutally the inert rights of American citizens and that these acts were committed with the knowledge and approval of the Attorney General. A certain portion of his testimony was given to the discussion of the legal phases involved in the deportation procedure and in justification of certain rulings made by him as Assistant Secretary.

Enclosed marked "B" is the opening statement proposed for your remarks on Friday. We have endeavored in this statement to outline briefly some affirmative efforts of Mr. Post and to state briefly the charges made by him and the

Memo for the Attorney General
JER-RMR 5/25/20.

64014

radical press generally against the Department of Justice. We thought that we should not confine ourselves merely to the charges made by Mr. Post but that we should take this opportunity to answer all charges which had been made against this Department since the Red raids.

Enclosed marked "C" is the summary of the revolutionary movement in United States, as well as abroad, through which there is disbursed the result of some of Mr. Post's activities.

Enclosed marked "D" are the specific charges against the Department of Justice. I have prepared these charges on separate sheets containing the answers to each of the charges. I thought that if there were any to which you did not care to make replies that that sheet might easily be eliminated.

Enclosed herewith and marked "E" is a memorandum prepared upon the legal questions involved and which answers certain statements made by Mr. Post. I have given particular attention to the Whitfield case upon which Mr. Post stated that he would stand or fall. In this memorandum and in answer to certain of the charges it is pointed out that Mr. Post has, by following the Whitfield case, thereby over-ruled opinions of the United States Supreme Court and that he, himself has given expression to the effect that the Silverthorne and Jackson cases, upon which he relied before the committee, were wrong.

Enclosed and marked as "F" is a memorandum prepared upon the work of the radical division tracing the radical movement as faced by the Department from January, 1919 through the bomb plot of last year and down through the May Day activities of this year. This memorandum gives a complete review of what has been done and accomplished by the radical division, under your direction. It is so arranged that such portion of it as you may desire to read from can be easily extracted. I have not enclosed the exhibits with this memorandum as they prove to be quite bulky. However, if you desire these I have them at hand for you.

Memo for the Attorney General
JEN-EMR 5/25/20.

24015

Enclosed and marked "G" is the memorandum prepared by Mr. Keshan's office upon the radical propaganda. It was thought by us that you would, no doubt, desire to read to the committee all of the material contained in the enclosures "B" through "E" and that you would refer to certain portions in "F" but that "G" would be introduced as an exhibit.

Respectfully,

381167

74012

JEM-CPO

CODE

May 19, 1920.

Kellher,

Winthrop Bldg.,

Boston, Mass.

Letter received giving partial answer to charges made by counsel
for Mr. Post. Desire that you forward special delivery,
~~attention Mr. Nease~~, a full and detailed answer upon these
charges. Absolutely necessary that this matter be given
immediate attention, as the Attorney General desires the same
in order to make answer at once. Step. Five.

BURKE, Chief.

38/167

7408

JW -GPO Code

March 19, 1920.

Informed that Assistant Secretary of Labor ~~POT~~ cancelled
large number of warrants of deportation. Desire that upon
receipt of such information your territory, you forward
special delivery, attention Mr. Hoover, detailed statement
of facts in each case where cancellation has been made.
Important that this be given prompt and immediate attention
daily. Sto.;. Five.

Burke, Chief.

Sent to 35 offices

34016

4 MI-3 RD CODE

January 15, 1920.

Now,

George Brennan,

Federal Bldg.,

Chicago, Ill. **

Forward at once by special delivery, attention Mr. Hoover, the
papers and correspondence in I. W. W. your city your office,
dealing with correspondence between Louis C. Post and I.W.W.'s
which you discussed with Mr. Hoover while in this city.

Stop.Five.

BURKE, Chief.

JME-GEO

CODE

281167

20926

1400

January 15, 1920.

Hove,

Care Brennan,

Federal Bldg.,

Chicago, Ill.

Forward at once by special delivery, attention Mr. Hoover, the
papers and correspondence in I. W. W. your city your office,
dealing with correspondence between Louis C. Post and I.W.W.'s
which you discussed with Mr. Hoover while in this city.

Step Five.

BURKE, Chief.

The Times demands an answer to these questions, and it will go to the Congress of the United States and compel an answer to these questions, if it is necessary to invoke the power of the Congress to open official lips.

What protection has any man who incurs the ill will of these secret police agents if any man can thus be secretly seized and secretly imprisoned?

Who knows whether such a victim is cruelly treated or not; whether he leaps to a terrible death to escape conditions that are worse than death or not?

Who knows whether the secret police are telling the truth about this wretched prisoner or not?

And who knows what terrible secrets those secret cells up on the fourteenth floor of the Park Row building may conceal?

Is it not an abominable thing that such a Bastile could exist in the very heart of busiest New York without the knowledge even of the great newspapers clustered on this thoroughfare?

It is the history of EVERY secret police EVER formed in the world that, beginning with a purpose to protect law and order, it always ends by violating and defying the law and setting its own tyrannical and brutal usurped authority above the rightful authority of the law and above the rightful liberties of the citizen.

Now, we do not propose that this evil and abhorrent system shall take hold here in our free America.

That it has begun to take root in our political system has become painfully evident. The land swarms with all kinds of secret police agents, Federal and State, public and private, and every day these agents increase their contempt for the law of the land and the rights of the citizens.

Unless this thing is stopped, until these criminal violations of personal rights are punished, unless these secret police are abolished, no man's life or liberty will eventually be safe.

The Senate Committee to Audit Expenses of the Department of Justice has full power to make that department disclose the use of every dollar of its funds—who was paid, what he was paid for doing, how he did it, and every detail of the activities of every agent of the secret police.

The three Senators who form the majority of that committee are Senators France, Borah, and Gore, and there is not a man in the country who does not trust in their integrity and recognize their ability.

We call upon these three Senators to make a searching and determined investigation of Mr. Palmer's department and of the doings of Mr. Palmer's secret police.

And they could do no better than to begin with a searching and determined investigation into the secret imprisonment of poor Andrae Salsedo, and of the real causes which drove him to leap from the window of his secret prison cell to a horrible death on the pavement of Park Row.

Wash. Times

381167

WNG-18

August 11, 1930.

Francis G. Caffey, Esq.,
United States Attorney,
New York, N. Y.

Dear Sir:

Receipt is acknowledged of your letter of the 8th instant and in reply there is being forwarded to you today under separate cover a complete copy of the reply of the Attorney General to the charges involving Louis F. Post, referred to in my letter to you of July 30th.

Very truly yours,

Special Assistant to the Attorney General.

FILE THESE IN Post Case
38 1167

- Probe Deeper!

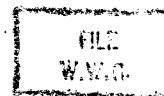
Developments in the investigation being conducted by the House committee on rules into the official conduct of the Assistant Secretary of Labor justify a most searching probe into the whole subject of administering the law aimed at the deportation of alien anarchists. A very severe indictment of the Department of Justice is contained in the testimony given the committee by Assistant Secretary Post in support of his own course. He told the committee that during the past six months, out of the hundreds of foreigners arrested by agents of the Department of Justice, only 40 "admitted that they favored overthrow of the government by violence." He also remarked that out of a total of 5,000 arrests, only three revolvers were captured by officers of the department.

The purpose of these statements is, of course, to belittle the efforts of the Department of Justice to enforce the law as well as to justify the Department of Labor in refusing to deport the men arrested. If Mr. Post's evidence is accurate Attorney General Palmer's agents are swarming through the country arresting any one against whom their suspicions are leveled, without warrant of law or justification of fact. This would mean the inauguration of a police rule in the United States more obnoxious than that which prevailed in Russia under the old regime of the czars.

Emphatic refutation of this suggestion is found in the facts which have been demonstrated. Wherever the red menace has become so threatening as to cause the military or the local civil authorities to take hold, in every instance it has been found that conditions required a cleaning up. Evil conditions were uncovered at Gary, Pittsburgh, Detroit, Chicago, or in other localities where the Department of Justice operated to enforce the law. Consequently, when the Assistant Secretary of Labor, whose sworn duty it is to issue deportation warrants for those found to hold views in contravention of the law, makes an assertion calculated to reflect upon the work of the Department of Justice, whose duty it is to apprehend the offenders, a situation is exposed which demands thorough investigation.

Post's declaration that only 40 of the people arrested during the last six months have admitted holding unlawful views is not to be wondered at. It is scarcely to be expected that many of them would plead guilty and thus sentence themselves to expulsion from the country. If the Department of Labor is to deport only those who admit their guilt there will be small demand for ships to carry away alien anarchists.

The purpose of the law is evident. It is to protect the government against the machinations of aliens who seek to destroy it by violence. The fact that these enemies of the republic have as yet done no serious damage is no excuse for negligence. The law must be enforced in good faith by the government officials charged with the duty of its administration or these officials must go. No authority is conferred upon the Department of Labor to construe the law in such a way as to absolve anarchists who do not confess their guilt. It is high time that Congress should bring its heavy hand down upon officials who defeat the will of the people by refusing or neglecting to execute a plain and mandatory law.



103

NOTED
E.D.H.

Mash. Post.

Sunday, May 9, 1920.

Louis F. Post

We Demand an Investigation of Mr. Palmer's Secret Police and Their Unlawful Conduct

Monday morning a man who had been imprisoned for two months on the fourteenth floor of the Park Row building in New York, leaped to his death.

The known facts are these:

The man was an Italian by nationality, a printer by trade.

He is said to have printed an anarchist handbill, written in English, and which he did not understand.

The police first arrested him in his home in Brooklyn as a "suspect," and the convenient loaded gun was found in his room, upon which a legal charge of violating the Sullivan act could be laid against him.

Arraigned on this charge, the man was DISMISSED BY THE COURT.

He was then agents of the Department of Justice, a deportation warrant issued on March 1.

From that date DISAPPEARED FROM SIGHT, until on Monday morning, May 3, his body hurtled through the air and was crushed to a bloody mass before the horrified eyes of three or four persons walking in Park Row.

The explanation of the secret police is that the man had confessed to some connection with the plot to send bombs through the mail, which made so much talk last February; and that he had been KEPT CONCEALED SINCE IN ORDER TO PROTECT HIM.

The secret police also explain that the prisoner's fear of future violence drove him to kill himself in the terrible manner he did.

Assume that this explanation is true—and very few men familiar with the ways of the secret police and their methods of obtaining "confessions" will assume that—still the secret agents of the Department of Justice have left the most important matter wholly unexplained.

WHERE DO THEY GET ANY LAWFUL AUTHORITY TO HOLD MEN IMPRISONED FOR WEEKS, WITHOUT A PRESENTATION BEFORE A MAGISTRATE, WITHOUT A HEARING, WITHOUT ANY LAWFUL PROCEDURE OF ANY KIND?

Who issued them orders to do these unlawful acts?

What officer of the United States Government assumes the tyrannical and felonious attitude of Czardom, and orders men to be secretly arrested, secretly imprisoned, and denied the right of hearing, the right of examination before a

Immunity of the Reds.

No outbreak by the reds having occurred on May day, it is taken for granted by some of the critics of the Department of Justice that the warning of possible violence was unnecessary. The warning is even criticized as an alarmist utterance, harmful to the nerves of pacifists and those self-satisfied individuals who detest precautions and preventives of all kinds. 4042

These are the same individuals who, if violence had occurred, would be now denouncing the government in unmeasured terms for its laxity in failing to warn the public of the red danger.

The Department of Justice knew what it was doing when it sounded the warning. It has accurate information. If its authority was equal to its ability to round up the reds, the peril would soon end and the penitentiaries would be doing good service. But the department cannot enforce nonexistent laws, nor can it twist existing law to meet the needs of the occasion.

The simple fact is that the government of the United States has not armed itself with the weapons necessary to deal with seditious and treasonable conspiracies aimed at the destruction of the government. The fundamental need is a law of prevention, which will reach out and take criminals before they have consummated their crimes. Stupidity could not go much further than it has gone in the legislation dealing with crimes against the government, for the basis of this legislation is the rule that the crime must be committed before the criminal can be seized.

If the same rule was followed in other directions, it would be necessary to await an epidemic of plague before using any medicine, or to stand by and see a train wrecked before arresting the wreckers.

Individuals who meet and plot to do violence to communities, to attack public officials, to spread terrorism by bomb and torch, or to stir up public violence by fomenting strikes, are enemies of the United States and deserve death. They may not touch a bomb, and may not commit any "overt act" of any kind, and yet they may be more dangerous than a hundred of their tools who actually use bombs. The plotters are the master criminals, without whom their sodden and defective tools would be comparatively harmless. Yet the plotters may defy the government, and may even employ the law to obtain immunity from prosecution.

This is a situation fraught with grave peril. A ghastly and far-reaching tragedy may at any time awake Congress to the realization of its negligence in failing to enact preventive legislation aimed at the seizure of plotters whose conspiracies have progressed far enough to show their criminal intent.

Another loophole in the law, which enables anarchists to raise their hands against the life of the United States, is the absence of punishments for the utterance and circulation of seditious and revolutionary literature. The production and distribution of this literature is a cold-blooded, calculated crime, which may set other crimes on foot in widely separated portions of the country. The Department of Justice and the Postoffice Department are aware of the identity and outgivings of dangerous conspirators, but these men are immune, because there is no law covering their crimes. They are sometimes aided by criminals well versed in the laws, who actually procure the protection of the government whenever any official attempts to put a stop to the plots which aim at the destruction of the government.

Congress has been entirely too solicitous of the "rights" of anarchists, who invoke the protection of the very government they are seeking to destroy. There is a clean line marking the difference between the right of free speech and the outrage of that right. There need be no difficulty, whatever, in framing a law that will protect the people and the government against sedition and treasonable propaganda, without abridging the right of free speech or the liberty of the press. The cry is always raised, "Who is to judge? Are you to intrust an individual's sacred liberties to the prejudice of an ignorant bureaucrat?" But there is an all-sufficient answer: Let the accused be given a trial before a jury of his peers. Let twelve men pass upon the charge of uttering or distributing treasonable or revolutionary literature. There need be no mystery about the matter. Any citizen is eligible to pass judgment upon the true meaning and effect of words, after hearing the evidence pro and con. Equally precious rights are adjudged every day by juries, in cases of life and death, in the disposition of estates, and in many other cases.

The number of malignant hearts and distorted brains in this country has increased since the war. Some of the criminals under surveillance by the government are as dangerous as the assassins of Lincoln, Garfield and McKinley. These reds are capable of the most atrocious crimes, and they are constantly plotting to accomplish their ends without unduly risking their own lives. They can be caught at any time, and the fact of their criminal conspiracy can be proved against them. Why, then, does not Congress enact legislation which will put a stop to these plottings, instead of waiting until shocking crimes have aroused the public to demand such legislation?

Wash. Post. May 6, 1920.

APPLICATION CARD.

LEFT WING SECTION SOCIALIST PARTY.

The undersigned member of the Socialist Party hereby subscribes to the Program and Rules of Organization of the Left Wing Section of the Socialist Party.

Name 3404

Street and No. County

Local Branch

Age Occupation Labor Union

How long in the party Other Socialist organizations

Where What period

381167

Louis Post



Mr. Post indicated he was not called upon to consider recommendations for deportation, from immigrant inspectors. However, invariably he followed the recommendation of the immigrant inspector where that recommendation was for cancellation.

Mr. Post draws a sharp distinction between the Department of Labor and the Bureau of Immigration, stating that the Department of Labor and not the Bureau of Immigration or no other department, has jurisdiction over deportation matters; also that briefs of inspectors have no official status. First, if such is the case, why did he call upon the Commissioner-General of Immigration, for the Davidge memorandum; second, why has the practice for years been for the inspector to accompany his findings in a case with a definite recommendation, on a form prepared for the same; and third, why does not any official memorandum or paper prepared by a duly authorized inspector have an official status in the department of which it is a proper part of official records? It is inconceivable that Mr. Post intends it to be understood that the Bureau of Immigration and its records are a part of the Department of Labor in some instances and not in others, dependent upon the particular case in hand.

Mr. Post considers that a man who was a member of the Communist Party prior to September 1919 when the party was definitely formed, does not fall within the term "member". Against this, attention is called to pieces of evidence, one the "temporary membership card of the Communist Party of

America on the back of which are spaces for due stamps for the months of June, July and August, 1919, the card being issued by the National Organization Committee of the Communist Party of America; and the other the blank application card for membership in the LEFT WING SECTION, SOCIALIST PARTY, which became the Communist Party, and showing that the organization was enrolling members prior to the actual formation at the convention. Aside from this, Mr. Post is directly at variance with the specific terms of Section 2 of the Act approved October 16, 1918, which covers any alien who "at any time after entering the United States, is found to have been at the time of entry or to have become thereafter, a member" of any of the prescribed organizations.

It has been the practice of immigrant inspectors in all other classes of cases, to procure the evidence on which deportation proceedings are based. If a given case, under the anarchist clause, was incomplete as submitted by the Department of Justice, because it lacked a thorough historical account, as in the cases involving membership prior to September, it was the duty of the Department of Labor through its inspectors to follow their usual procedure and have the inspector prepare his own complaint instead of accepting only the evidence submitted by the Department of Justice and basing the recommendation entirely on the record as it appeared at the hearing; although Mr. Post in many cases has entirely disregarded even that evidence.

The cases involving members of the L'Alba Nuova anarchists

group at Paterson, N. J. are monuments to the consistency of Mr. Post's rulings. The case of ALBERTO GUABELLO on page 133 of the hearings before the Committee on Immigration, is one of such. On page 132 Mr. Post approves a release, which is a logical argument based on decisions that philosophical anarchists shall be considered in the same class as the more violent type, and that at the express solicitation of the Department of Labor the deportation act was carefully punctuated to cover this point. Guabello admitted he is a philosophical anarchist even in the brief of his counsel and the Inspector consistently recommended deportation, the Commissioner-General concurred, still consistently, and Mr. Post without comment or explanation, cancelled the warrant, consistently?

Practically the same procedure was followed in the case of PEITRO BALDISSEROTTO, the warrant for which was cancelled on April 17th.

Probably the most extreme case is that of FRANZ WIDMER, an Italian alien and one of the leaders of the anarchist L'Era Nuova group. Widmer admitted he had been an anarchist for 20 years and for some time was editor and publisher of the official organ of the L'Era Nuova group, which paper was suppressed. He has also printed publications and circulars for the I.W.W., and paper of the same tint and texture as that used on a circular "Plain Words", - found near the home of the Attorney-General Palmer and other officials after the bomb plot of June 2, 1919, was found in his printing shop, along with hundreds of copies of anarchistic

bottom

of an article, "The Execution of a Hyena", which refers to the killing by a dynamite bomb, of Frank Steunenberg, ex-governor of Idaho at his home in Caldwell, Idaho, in 1906. The article quotes newspaper accounts and proceeds: On our account, we will add a little history, which by itself, and better than anything else, will justify the energetic act of the unknown rebel who consummated vengeance of the people on that hyena." Then follows a history of the action of the governor, which consisted of the using of troops in a strike, and the article closes: "the last reports add that the executed hyena survived only 25 minutes the attack with which the peoples' vengeance has so rightly hit him. And these 25 minutes were too many - P.W.". The warrant for the deportation of this man was cancelled by Mr. Post April 15, 1920.

Another case was that of HERAFINO GRANDE, a Spanish alien 34 years old who was an active member of the L'Era Nueva group also of the Francisco Ferrer Association, which is known to the Department of Labor because of its being involved in the Guabellio case. Grande was prosecuted in Italy for anarchistic activities before he came to this country, and an anarchist in San Francisco in 1917 wrote him to ask Guabellio "if he is any friend to whom I can trust for an affair". The Grande warrant was cancelled by Mr. Post on April 15.

SEVERINO ESPA, a Spanish alien, and former member of the I.W.W., is a member of both the L'Era Nueva Group and the

Francesco Ferrer Association, and admitted he was a paid contributor to "L'Era Nueva", the supposed organ of the group and received 30¢ per 100 words for his contributions. UMBERTO CROCE, an Italian alien was shown to have aided in the preparation and printing of "La Jacquette" the present official organ of the group.

The members of the L'Era Nueva group are not Communists, nor mere believers in direct action, they are ANARCHISTS, men who believe in the perfect absence of all forms of authority, even personal responsibility to others for acts committed. They are men who, while disbelieving in any law or form of law or authority, yet by Mr. Post, are given the benefit of the most extreme technicalities of the law, - in the principles of the laws of evidence and procedure. It would be interesting to know whether these men were released by Mr. Post because he believed, as in the other cases, the men "had the making" of good American citizens, as many of them have been in the country long enough to have grown children, and yet have not made a single move to acquire citizenship.

The following cases against members of the Communist Party are interesting because of the final disposition by Mr. Post, in each case the warrant having been cancelled by him.

DEMTRI BORSUK, of Youngstown, Ohio, admitted from the start that he entered the United States in violation of law, which point should have been enough in itself to warrant deportation, or certainly enough to consider in the form of

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cumulative evidence with that which follows. This man admits he reads "Khlieb i Volia", the official organ of the Federation of Unions of Russian Workmen in the United States and Canada, and agrees with the sentiments expressed in it. At his first and second hearings he denied any connection with any anarchistic party, but finally at his third hearing, he admitted, first that he had lied previously so far as his connection with organizations was concerned, and flatly stated that he believed in a desire to see the assassination of public officials, the unlawful destruction of public property; that he would like to see the Soviet form of government established in the United States, that he thought this should be done by an armed revolution in which he was willing to take part. The warrant was cancelled.

Mr. Post says that he must be shown that a man, in addition to being a member, must have been involved in some activities. In the case of JOSEPH FEINSTEIN of Philadelphia, Pa. the record book of the Communist Party was introduced showing that he was chairman of several meetings during September and October. Feinstein denied he was the same person but the secretary of his branch appeared and identified him, whereupon he admitted identity and stated he had lectured at meetings under the auspices of the Communist Party. And it was also shown by the secretary of the local branch of the Communist Party, that Feinstein was not only chairman at the meetings but the party who made the motion relative to affiliation with the Communist Party. The warrant was cancelled by Mr. Post.

MRS. MASTASIA, alias AGNES HEWUS, of Grand Rapids, Mich. was arrested on a deportation warrant, and the evidence introduced before immigration inspector shows she is a member of the Ukrainian Branch of the Communist Party at Grand Rapids, having joined largely on account of her husband's membership. Her husband was ordered deported, and she is very anxious to accompany him. The Department of Labor allowed the husband to remain in the country until decision was made in the case of the wife, -- and Mr. Post cancelled the warrant against her. This is a striking case of Mr. Post's inconsistency, and his little speech on the humanitarian angle about his opposition to breaking up families, does not seem to work always, for here is a case in which he definitely separated a husband and wife.

ROBERT ALEXANDROV, of Philadelphia admitted being a Communist, having attended meetings, being deeply interested in the organization, being a delegate to the Chicago convention and the records of the convention showing his name. He stated to the immigrant inspector that he believed in the principles of the Communist Party and has been active in propaganda for it. The subject is considered specially dangerous because he is of the higher type, well posted, and a thorough Communist at heart, equipped to persuade others. His wife, JULIA ALEXANDROV, also under warrant, was released on her own recognizance. Mr. Post cancelled the warrant against the husband.

CARL HERMAN, alias KARL ARMINIS of Detroit, not only admitted membership but stated to the immigrant inspector his

spirit for the Communist Party, belief in the principles, doctrines, program and constitution of the Communist Party and stated he had been arrested five times for Bolshevik propaganda, including the distribution of a newspaper which had been barred from the mails. Mr. Post cancelled the warrant.

ALEX CIBULSKI, of Detroit, told the inspector not only that he is a member of the Communist Party but that he believed in the Soviet form of Government and that form would the best for this country. Mr. Post cancelled the warrant.

PAUL SCOTT, Detroit, in addition to an admission of membership in the Communist Party, entered the United States without proper inspection and was liable to become a public charge at the time of entry. The warrant was cancelled by Mr. Post.

MATO STIPCIĆ of Detroit, told the immigrant inspector he is a member of the Communist Party in every sense of the word.

ALEX KRIVENYA of Kansas City, was proven to be not only a member but one of the organizing committee, also a member of the executive committee, financial secretary and member of the committee to work out a constitution.

SPIRIGON SERGEMI, of Kansas City was a charter member, member of the executive committee, treasurer, chairman on dissemination of newspapers, chairman of entertainment committee, caretaker of the hall, chairman of various committees, member of the auditing committee, member of the conference committee, assistant organizer and instructor. Mr. Post did not consider this sufficient.

STEVE MIZORCHUK, of Cleveland admitted he was financial

secretary and treasurer and that he believed in the principles
of the Communist Party and only his arrest caused his severance.

FBI-SBN

FILE
W.W.G.

SPECIAL DELIVERY

NOTED
W.W.G.

381167

Louis Post

Newark, N. J.
May 10th, 1920.

J. E. Hoover, Esq.,
Spl. Asst. to the Attorney General,
Department of Justice,
Washington, D. C.

PERSONAL

Dear Sir:

Supplementing my memo of Saturday in the matter of the testimony of Mr. POST before the House Rules Committee, I note from the Report of the meeting as contained in yesterday's (Sunday's) "NEW YORK TIMES," the following statement attributed to Mr. Post:

"I am utterly out of sympathy with the attitude of physical force of those philosophical anarchists. For thirty years I have been fighting that. In the deportation cases all I have tried to do was to find out whether the alien was guilty or not guilty."

This question occurs to me; "Guilty or not guilty" of what? Taking the paragraph quoted above in its entirety and having particularly in mind the action taken by Mr. Post in the cases of the ERA NUOVA GROUP and FRANCESCO FERRER ASSOCIATION, made up of philosophical anarchists, it would appear that Mr. Post has in mind not whether they are guilty of being anarchists but whether they are guilty of being terrorists. The distinction which he seems to draw is that between the anarchists of the philosophic cult, who are pacifistic and whose propaganda is disseminated in the shape of literature and education and the individualists, who seek to bring about their ends through terrorism, the first expression of which is the assassination of public officials and the placing of bombs generally.

As I pointed out in a letter I wrote you recently concerning the action of the Department of Labor in cancelling the warrants in the cases of the Era Nuova Group, particularly those of FRANZ WIMMER and ALBERTO GUARELLO, the provisions of the Immigration Laws, which Mr. Post so frequently resorts to, makes no distinction, nor has any Court so far as I am aware

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in passing on the provisions of the Immigration Act held such a view. I might point out that COMMUNETA and many other anarchists of the philosophic type that I have discussed the subject of anarchy with hold the same views as Mr. Post, they, too, are unalterably opposed to the individualist anarchists as they feel that their anarchistic doctrines do more to hurt the cause of anarchy than any other instrumentality. It is suggested that the Rules Committee question Mr. Post on this subject. Ask him flatly if he believes that philosophic anarchists fall within the vice of the Immigration Act.

He speaks of the physical force of the philosophic anarchists. This must be a typographical error as he certainly knows that the philosophic anarchists are opposed to force and if he does not know this, then apparently he has gleaned little from the many immigration records which he is supposed to have reviewed in arriving at his decision to cancel the warrants in many such cases.

In discussing the case of ENRIQUE FLORES MAGON, the newspaper article referred to herein quotes Mr. Post as follows:

"did not believe in anarchy in any accepted sense of the term," although he ~~apparently~~ was a "Communist Anarchist."

What does Mr. Post mean by ~~any accepted~~ sense of the term? What is the "accepted sense of the term?" What does "Communist Anarchist" mean? It is submitted that he ought to make this clear. During my time with the Immigration Service, I was interested more or less in the enforcement of the anarchist features of the Immigration Act and I don't recall ever having had brought to our attention in the field any definition of the word "anarchist" and personally have no knowledge as to the accepted term. My understanding of the word "anarchist" has always been that it involved the absence of Government. During the HENRY FORD suit against the "CHICAGO TRIBUNE" I followed the case closely to ascertain as to what the argument was on the definition of the word "anarchy" and it seemed, as I read the reports, that it resolved down to a question of the absence of Government,

CABIN

It is submitted that the methods used by the various cults to bring about the substitution of anarchy for the present State is immaterial and has no place for consideration in the determination of the status of an alien under the Immigration Act, as in the case of an anarchist if he admits being an anarchist the inquiry need go no further. He then ipso facto falls within one of the classes whose expulsion from the country is made mandatory by law. The law provides that when the Secretary of Labor is satisfied that an alien is here in violation of the law that such alien shall be deported, not that he may be deported or can be deported, but shall be deported. The Secretary has no discretion having become satisfied that an alien falls within that class, i.e., anarchist.

As regards the statement by Mr. Post that "aliens rounded up by the Department of Justice Agents were examined by those agents after the fashion of a police inquisition, not informed of their rights to counsel and fair trial, being in plain contravention to a court's decision," it is well known that even in criminal cases confessions if obtained under proper safeguards are admissible in evidence and admissions on the part of the defendant are always admissible even though obtained without advising defendant that they will be used against him and in now place in criminal law is it necessary to advise a defendant at the time of his arrest of his right to be represented by counsel. In this connection I recall the remarks made, in connection with a case arising under the Immigration act, by the Presiding Judge of the Circuit Court of Appeals for the Second Circuit (New York), JUDGE LACOMBE, to the effect that an alien is more apt to tell the truth to the Inspector at the time of his arrest and before he has had opportunity to be coached by counsel than he is afterwards.

I don't know what Mr. Post means by "police inquisition" but if he means that there were any "third degree," duress or violent methods used, then, speaking for the large number of arrests made in this district, I deny the accuracy of that remark so far as it applies to these cases. I have handled cases both as an Immigrant Inspector and as a Department of Justice Agent and the examination in one was the same as it was in the other. Moreover, there was an Immigrant Inspector present during the course of the examinations and I know that these examinations are not in contravention of any Court decision and in this connection I might advert to the criticism that has been leveled at this Department for making arrests without warrants and point out that this was, during my time in the

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Immigration Service, the rule rather than the exception. On the Mexican Border where a great many arrests are made under the Immigration Act, it was a rare case, indeed, where the Inspectors had a warrant when they made an arrest. The practice was to arrest, detain and wire Washington for a warrant and I have no doubt that the procedure is the same today. So far as I am concerned, there was no objection to it at that time. I know whereof I speak because I was the officer that made the arrests. We did try to get warrants in each case before ~~the Immigration Service~~. It was the rule to arrest without warrant and to arrest with a warrant the exception. What has the Immigration Service to say about this? I think the same condition will be found to exist on the Canadian Border as on the Mexican Border.

In conclusion, it is submitted that a hearing before an administrative officer in a proceeding to expel an alien "is not a trial," in the sense that Mr. Post endeavors to set out and while he may find a decision among those handed down by the lower Courts to support him, there are decisions by the Supreme Courts holding the direct opposite and in this connection I would refer you to the brief which I prepared and submitted to you before I took sick, wherein you will note more than one decision of the Supreme Court holding that these are administrative hearings and not trials. Trials are held before juries, not before administrative officers. The fact is that the Supreme Court of the United States declared a certain section of the CHINESE EXCLUSION LAW unconstitutional because Congress sought to impose a penalty for illegal entry into the United States on the part of a Chinese alien, and the defendant to be tried before a U. S. Commissioner, without a jury, and if convicted to be sentenced to imprisonment up to one year. Moreover, deportation is not banishment as is sought to be proven by the radical elements in these days. The Supreme Court has passed directly upon that and has held that it is not banishment, that it is merely a case of the United States exercising its sovereignty declaring that an alien who does not comply with our laws can no longer remain in our midst. Please note my brief sent to you recently which also covers this point.

Respectfully submitted,

FRANK R. STONE
Special Agent in Charge.

P.S. Why should a Government officer resort to decisions of inferior courts to justify a decision adverse to the Government when there are decisions of superior courts which would not only justify a decision in favor of the Government but, indeed, make such a decision mandatory.

FRS

381167

POL*SDW

John Cash

NOTED
W.W.G.

W.W.G.
FILE

NOTED
J.E.H.

Newark, N. J.,
May 8th, 1920.

J. E. Hoover, Esq.,
Spl. Asst. to the Attorney General,
Department of Justice,
Washington, D. C.

PERSONAL [REDACTED]

Dear Sir:

Replying to Bureau telegram of May 7th, 1920, you are advised that at the time of the COMMUNIST raid on January 2nd, we obtained twelve (12) rifles, two (2) revolvers and four (4) bombs, the revolvers being in the possession of Communists, while the rifles and bombs were in the headquarters. When the ERA NUOVA GROUP was taken into custody on February 14th, we found five (5) revolvers and two (2) automatics in the possession of various members, four of which were of large caliber. In the UNION OF RUSSIAN WORKERS raid we obtained three (3) revolvers and two automatics, on the persons of various members, three of which were of large caliber.

I am enclosing herewith my office copy of the photograph referred to in the above mentioned telegram in the belief that you may be able to make use of it. If not, please return it to me.

In this connection, I notice from the newspaper report of Mr. POSS' S statements, given at the same time that he made the statement regarding the revolvers, two statements which are not in accordance with facts, as quoted below:

a) "Mr. Chairman, you are I are in entire disagreement as to that, both as to the law and procedure. These people have no redress in the courts. Therefore, we ought to be all the more careful to protect their rights."

In point of fact they do have redress in the courts. The writ of habeas corpus is available to them and, as is well known, is frequently invoked and this with considerable success as experience has shown. The Supreme Court has repeatedly held, as have the inferior courts, that although they are aliens they are

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entitled to a fair hearing and that there must be some evidence before the Administrative officer issuing a warrant of arrest or deportation and that they are protected by the "due procedure" feature of the Constitution. The result has been that where an arbitrary action is taken, the courts have time and time again sustained the writ of habeas corpus obtained in behalf of the alien and released said alien forthwith. I believe it is the contention of the Department of Justice that we have produced that "some" evidence required to support these cases.

b) "Sweeping arrests have been made ***. These persons have been taken to jail and in most cases released before morning."

So far as this district is concerned, and our arrests exceed 1,000 which it is submitted is fairly representative of the extent of the work of this Department, I can state unequivocally that Mr. Post's reflection does not apply in a single instance. I know of no case where we have taken a man to jail that was released before morning or any other time. In every instance of an alien being taken into custody by an Agent in this district, I have personally examined that alien and if there was any doubt, I released him forthwith.

To illustrate: On the night of January 2nd, there were apprehended, not at the homes as Mr. Post states but at the various meeting places of the Communist groups, nearly 1000 aliens and out of this number less than 300 were removed to Ellis Island and in every instance where an alien was held, he was in fact held and not released in the morning but rather put aboard a boat and removed to Ellis Island the same day. We sent no aliens to jail; those that were held were detained at the Police precincts, given their meals promptly and removed the next morning to Ellis Island. Therefore, the statement that "in most cases released before morning" would seem to be exaggerated, as if were this practice followed elsewhere by this Department, it would not be true in most cases as it certainly is not true in any of the cases in this district.

In any event, the number of revolvers found can in no sense be an element in the determination of the potential danger of these aliens as, it is submitted, a successful revolution can be consummated without revolvers, and in fact, history will show that revolutions are not affected through the means of pistols but rather by mass action. As soon as the so-called proletariat assume proportions large enough to strike en masse, as was done in Russia, they will take care to obtain the necessary implements for the expropriation of the so-called bourgeoisie machinery. The arsenals need not be overlooked in this connection, and the propaganda in the army proper might receive consideration.

These Communists may not be fully conversant with all of the subtle teachings of Communism but they are well grounded in one phase and that is sufficient for the purpose of the Immigration Act, i.e., the overthrow of the so-called "bourgeois" or "capitalist" State, the expropriation of the industries and property and the setting up the dictatorship of the "proletariat." This they all know about, subscribe to and are heart and soul for; and I speak from an association with these people of years and not from a review of immigration records.

From press reports it appears that the Department of Labor predicates the holding that the COMMUNIST LABOR PARTY is not within the vice of the Immigration Act because it has not, like the Communist Party, adopted the tactics of the "Third International" and that the platform and program of the Communist Labor Party fails to disclose an intention to use force or violence or anything incompatible with the use of parliamentary machinery.

The Communist Labor Party, as you know, is practically made up of aliens who have no vote. Does this not absolutely preclude any idea of resorting to parliamentary machinery? A review of the records of the alien members of that organization, made the subjects of deportation proceedings will be enlightening. I am convinced that it will be found that not only are they not citizens but that they have not availed themselves of the opportunity to become such. Moreover, it is well known that they are opposed to citizenship because they are "Internationalists" pure and simple. This is the basic principle of their cult. Is it possible to bring about their ends through any other method than that of force or violence? Has any revolution ever been accomplished without force or violence? In this connection I speak of revolution and not of a coup de stat, which through a preponderance of military strength oftentimes brings about a change without bloodshed. A famous illustration of this was NAPOLEON'S seizure of power.

It is submitted that whether this party openly subscribes to the ~~Communist~~ the "Third International" or the use of force or violence it, nevertheless, aims at a result which can be brought about in no other way and this is strengthened by the fact that they are aliens and cannot use parliamentary methods as they are not enfranchised and for that matter seek to avoid rather than obtain citizenship.

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According to press reports, Mr. Post in justifying his position before the Committee referred to the rules of evidence to the aspect of these cases under criminal procedure and, in this connection, it is submitted that it is a canon of construction and under the rules of evidence on questions of intent "a man is presumed to intend the natural consequences of his acts" and if resort is had on the one hand to criminal procedure, why not apply it on the other and if this organization intends (and there is no question as to its intent) to overthrow this Government, then I believe it can be successfully maintained that the natural consequences of that intent is force and violence and to prove this we need go no further back than the Russian revolution, which had a similar intent and which, it is well known, has been characterized by the very essence of force and violence even to the extent of murder of the most cruel and bloody type. I refer particularly to the assassination of the Czar and his family.

Can there be any question that the men who have acquired property in this country will stand idly by and allow foreigners to expropriate it? Speaking for myself, as a citizen, I certainly will not. They'll have to take mine by force and violence. I have earned it by the sweat of my brow and I don't propose that any person shall take it and, I submit that a lot of my fellow citizens feel the same way about it.

Respectfully submitted,

FRANK R. STONE,
Special Agent in Charge.

Registered.

THE COMMUNIST LABOR DECISION.

On May 3rd Mr. Frank Wilson, Secretary of Labor, ruled that the Communist Labor Party of America is not an unlawful organization, membership in which would constitute sufficient grounds for deportation. It was argued by the Department of Justice and is admitted by persons who understand even the cardinal principles of the party, that the Communist Labor Party and the Communist Party, the latter having been declared unlawful, are identical so far as tactics are concerned. The Communist Labor case of course passed through the hands of Mr. Post and, had they been sufficiently acquainted with current events, either through their observation of the leading newspapers or the supposed investigation by their own department, they would have noticed on March 25th, in the "New York World" and other papers an official communication from Russia addressed to the Communist Labor Party of America which on May 3rd is published as below by "Communist Labor" the official organ of the party with a specific endorsement of the principles by the party. The article, as taken from the official organ, follows:



A handwritten signature in black ink, appearing to read "Marceline P. Prince".

Telegram May 20-1920-- 381167

REPORT MADE BY:	PLACE WHERE MADE:	DATE WHEN MADE:	PERIOD FOR WHICH MADE:
J. S. Apelman, T. G. Wilcox	Detroit, Mich	May 21-20	May 21-20
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:			
LOUIS F. POST ASST. Secretary Labor Parole Radical Aliens			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.: <u>At Detroit, Mich.</u>			
<p>Complying with instructions contained in telegram from chief of Bureau the following information is respectfully submitted, concerning the appointment of a committee of citizens by Louis F. Post for the purpose of examining the official records and recommending the parole of radical aliens held in this district for deportation.</p> <p>Reference is made to the report of Agent Apelman for the period of April 18 to 24 -1920 entitled "Radical Activities in the Detroit District" in which report on page 4 is contained the following information; that Louis F. Post has appointed a parole board consisting of Fred M. Butzel, Gustaves Pepe, Allan Campbell and F.F. Ingram, all private citizens of Detroit, into whose custody the radicals now held at Fort Wayne will be paroled. The Inspector in Charge of the local Immigration service has received instructions from his superior to turn over the official records of all men still confined to the above mentioned citizens for their examination, so that they may determine who and how many of these aliens they desire to accept into their parole. It is understood by agent that at the conclusion of the examination of the records of aliens held, pending deportation, by the above named citizens committee, Louis F. Post is to grant this same citizen committee an opportunity to have in their possession the official records of the cases of aliens who have been ordered deported, and that where this citizens committee deems it advisable Post will re-open cases and cancel the deportation orders already issued.</p> <p>Immediately upon the appointment of the above committee they called upon the local immigration inspector in charge and secured</p>			

May 21-20

Page-2-

from him the official records of aliens held at Ft. Wayne in whose cases decisions as to their deportation had not been made. They next requested the records of aliens who were out on bonds but whose cases had not been decided as deportation or cancellation. All of the official records on the above cases were given to the committee by the Inspector in Charge and these records were taken from the office of the local Immigration Inspector and inspected by this citizen committee in their private offices. These records consisted of the complete file in each case.

When the committee had finished a survey of the above records of cases they again appeared before the Immigration Inspector and requested the files in the cases of all aliens who had already been ordered deported. The Immigration Inspector in Charge refused to furnish them with these files. He was advised by the committee that they would take the matter up with Mr. Pest, and evidently they did so, as a little later the Inspector in charge received orders from Mr. Pest to turn over to the committee the official records and files in all the cases of aliens who had already been ordered deported and whose cases had been closed, except for the actual deportation of the aliens.

With reference to several cases we have seen telegrams to the Inspector in Charge signed by Louis F. Pest ordering him to reduce the bonds in some cases to \$500 or to parole if the committee so recommends and we are informed that this order applies to all aliens now held on bond. In one particular case, that of a very active leader among the radical ~~communist~~ who was held on a ten thousand dollar bond, his bond was reduced to one thousand dollars at the instigation of the committee.

Since the establishment of the parole committee two of the most dangerous and radical leaders in this section who have both been ordered deported and were held on high bonds, have been paroled without bond of any kind. These men, Alexander Bukeyevitsky and August Herrmann, were the cause of much trouble at Ft. Wayne Detention Barracks and during their confinement at the County Jail, after it was decided that the Ft. Wayne Barracks were not a safe place for them, both of them continued their advocacy of overthrow of the government of the United States and Bukeyevitsky openly boasted in the jail that someone would yet kill the Attorney General and that it was a shame that Attorney Daniels was not killed when he was shot at in New York city.

It is also a fact that Sam Ourim and William Mamlin alias Busikew, both organizers of the Union of Russian Workers, who have been ordered deported and were held under ten thousand dollar bond since November, 1919, have both been released on their own recognizance.

The members of the committee mentioned above are Fred Butzel, a prominent attorney at law with offices at 1012 Union Trust Bldg; Gustavus D. Pope, is the First Vice President of the Digestive Ferments Products Co., 212 Lexington Ave; Allan Campbell is connected with the Campbell-Dewey & Stanton firm of attorneys, 2017 Dime Bank Bldg; F.F. Ingram is the President & General Manager of Frederick F. Ingram Co., manufacturing chemists and perfumers, 409 Lafayette Blvd West.

F.F. Ingram is known locally for his radical views and has been identified with Helen M. Todd in propaganda for sympathy for aliens held by the government in deportation proceedings.

Gustavus Pope

381147

ORR-MP

July 16, 1930.

4067

MEMORANDUM FOR MR. HOOVER.

I note from this morning's "Post" that Assistant Secretary of Labor, Post, has sent his executive secretary, Hugh Reed to Ellis Island to make an investigation of the crowded conditions in this institution. Mr. Post is quoted by the press as follows:

"..... a crisis had been reached in the inadequate way of handling immigrants at the port of New York"

The above is for your information.

Respectfully,

ATTENTION OF MR. HOOVER

64062

381167

Los Angeles, Cal.

July 28, 1920.

Noted

F.D.W.

Mr. Frank Burke,
Assistant Director and Chief,
Department of Justice,
Washington, D. C.

Dear Sir:-

Under date of July 13th, a letter was received by Special Agent Hopkins of this office of the Bureau, initialed JEH:GPO, signed by Mr. J. E. Hoover, Special Assistant to the Attorney General, in which Mr. Hoover advises that he is forwarding under separate cover, 24 copies of the statement made by the Attorney General before the Rules Committee, House of Representatives, in connection with certain charges made by LOUIS F. POST and others.

The 24 copies of the statement above referred to were received in due course of mail, and by my instructions to Special Agent Hopkins, they were forwarded to the following with a letter of transmittal:

Federal Judge Benjamin F. Bledsoe,	Los Angeles, Cal.
" " Oscar A. Trippett,	" " "
Superior Court Judge F. R. Willis,	" " "
County District Attorney Woolwine,	" " "
Chief of Police Home,	" " "
Chamber of Commerce,	" " "
Chamber of Commerce,	San Diego, Cal.
Los Angeles "Times",	Los Angeles, Cal.
" " "Examiner",	" " "
" " "Express",	" " "
" " "Herald",	" " "
" " "Record",	" " "
Dist. Atty. San Diego County,	San Diego, Cal.
" " Imperial County,	El Centro, Cal.
" " Fresno County,	Fresno, Cal.
" " Kern County,	Bakersfield, Cal.
" " Santa Barbara County,	Santa Barbara, Cal.
" " San Bernardino County,	San Bernardino, Cal.
San Diego "Union",	San Diego, California.

SAC/MM
cc: Mr. Hoover

Yours very truly,

S. A. Connell
SPECIAL AGENT IN CHARGE

C. L. KEEP
SPECIAL AGENT IN CHARGE

TELEPHONES PICO 826
MAIN 2940 STATION 65
POST OFFICE BOX 694

United States Department of Justice

Bureau of Investigation

ADDRESS REPLY TO
SPECIAL AGENT IN CHARGE
AND REFER TO

OFFICE OF SPECIAL AGENTS
615-621 FEDERAL BLDG.
LOS ANGELES, CAL.

FILE NO. _____

7-28-20

July 28, 1920.

Mr. Frank Burke,
Assistant Director and Chief,
Department of Justice,
Washington, D. C.

AUG 4 1920

Dear Sir:-

Under date of July 13th, a letter was received by Special Agent Hopkins of this office of the Bureau, initialed JEH:GPO, signed by Mr. J. E. Hoover, Special Assistant to the Attorney General, in which Mr. Hoover advises that he is forwarding under separate cover, 24 copies of the statement made by the Attorney General before the Rules Committee, House of Representatives, in connection with certain charges made by LOUIS F. POST and others.

The 24 copies of the statement above referred to were received in due course of mail, and by my instructions to Special Agent Hopkins, they were forwarded to the following with a letter of transmittal:

Federal Judge Benjamin F. Bledsoe,	Los Angeles, Cal.
" " Oscar A. Trippett,	" " "
Superior Court Judge F. R. Willis,	" " "
County District Attorney Woolwine,	" " "
Chief of Police Home,	" " "
Chamber of Commerce,	" " "
Chamber of Commerce,	San Diego, Cal.
Los Angeles "Times",	Los Angeles, Cal.
" " "Examiner",	" " "
" " "Express",	" " "
" " "Herald",	" " "
" " "Record",	" " "
Dist. Atty. San Diego County,	San Diego, Cal.
" " Imperial County,	El Centro, Cal.
" " Fresno County,	Fresno, Cal.
" " Kern County,	Bakersfield, Cal.
" " Santa Barbara County,	Santa Barbara, Cal.
" " San Bernardino County,	San Bernardino, Cal.
San Diego "Union",	San Diego, California.

SAC/MM
cc: Mr. Hoover

Yours very truly,

S. A. Connell
S. A. Connell
SPECIAL AGENT IN CHARGE

H. Stroud

381160

Henry

May 1, 1920

Noted
F.D.W.

34085

Frank Burke, Esq.,
Assistant Director and Chief,
Bureau of Investigation,
Department of Justice, Attention Mr. Hoover.
Washington, D. C.

Dear Sir:

Mr. A. W. Richter, attorney for the alien members of the Communist Party of America, for whom deportation warrants have been issued, also who recently served petition for Habeas Corpus proceedings on the immigration authorities in behalf of Mike Lejan, Bela Juroich, Steve Joeing and Paul Markovich, has advised me that he has received a communication signed Louis F. Post, Assistant Secretary of Labor, wherein Mr. Post states that inasmuch as the Secretary of Labor has ruled that membership in the Communist Party of America is sufficient grounds for deportation, he is duty bound to issue such warrant, but that he does not believe that the Communist Party of America is a party in violation of any federal law, and recommends to the attorney that Habeas Corpus proceedings be instituted in such cases, and that in almost every letter that the attorney has received pertaining to one of his clients ordered deported there is a red sticker attached bearing Assistant Secretary of Labor Post's name and stating thereon that there is no violation of the law, but inasmuch as the Secretary of Labor has ruled that membership in the Communist Party of America is ground for deportation that he could not but help but order deportation, and recommending to the alien that he bring Habeas Corpus proceedings and suggesting that if such steps are taken the warrant for deportation will be quashed by the court.

An effort is being made by this office to secure at least one of these red stickers. The attorney would not give up the letter that he has received from Assistant Secretary of Labor Post.

Very truly yours,

Henry H. Stroud,

Henry H. Stroud
Special Agent in Charge

Louis J. Post

Department of Justice,
Bureau of Investigation.

981167

P.O.BOX 455

Chicago, Illinois.

(Special Delivery)

May 7, 1920.

RECORDED

4000
J.E.H.

Dates

FRANK BURKE, Esq.,
Assistant Director & Chief,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

E.D.W.
Noted

Dear Sir:

ATTENTION MR. HOOVER

Referring to your telegram of May 7, 1920 which reads as follows:

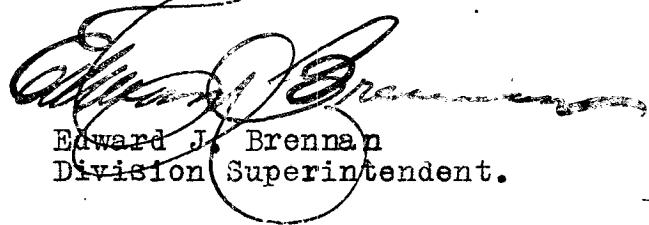
"Brennan, Federal Bldg., Chicago, Ill.
Referring your telegram May fifth relative original letter from Stroud Milwaukee, have received letter May first but find no letter of April thirteenth. Endeavor to obtain carbon copy and forward Special Delivery Attention Mr. Hoover. (signed) Burke, Chief."

I immediately got in long distance telephonic communication with Special Agent Stroud of Milwaukee who advises that he does not know of any letter concerning this matter of April 13th. There is nothing in the files here of any letter of that date.

Attached please find copy of a carbon copy of letter addressed to you for the Attention of Mr. Hoover, by Special Agent Stroud, of Milwaukee, Wis. It will be noted that it contains no date. It was learned in communicating with Special Agent Stroud on the long distance that he forwarded you the original of this letter on Friday of last week which was April 30, 1920 and it is for this reason that I mentioned in my telegram to you of May 5th, "Have carbon copy here of original letter Stroud of Milwaukee transmitted to you on Friday (April 30th) containing information * * *".

On May 5th I wrote a letter to Special Agent
Stroud calling his attention to the stenographer in
his office omitting the date on this letter and re-
questing him to be more careful in the future.

Very truly yours,


Edward J. Brennan
Division Superintendent.

EJB/DD

Copy

C O P Y

64062

Frank Burke, Esq.,
Assistant Director and Chief,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

Attention Mr. Hoover

Dear Sir:

Mr. A.W. Richter, attorney for the alien members of the Communist Party of America, for whom deportation warrants have been issued, also who recently served petition for Habeas Corpus proceedings on the immigration authorities in behalf of Mike Lojan, Bela Jurcich, Steve Josing and Paul Markovich, has advised me that he has received a communication signed Louis F. Post, Assistant Secretary of Labor, wherein Mr. Post states that inasmuch as the Secretary of Labor has ruled that membership in the Communist Party of America is sufficient grounds for deportation, he is duty bound to issue such warrant, but that he does not believe that the Communist Party of America is a party in violation of any federal law, and recommends to the attorney that Habeas Corpus proceedings be instituted in such cases, and that in almost every letter that the attorney has received pertaining to one of his clients ordered deported there is a red sticker attached bearing Assistant Secretary of Labor Post's name and stating thereon that there is no violation of the law, but inasmuch as the Secretary of Labor has ruled that membership in the Communist Party of America is ground for deportation that he could not cut help but order deportation, and recommending to the alien that he bring Habeas Corpus proceedings and suggesting that if such steps are taken the warrant for deportation will be quashed by the court.

An effort is being made by this office to secure at least one of these red stickers. The attorney would not give up the letter that he has received from Assistant Secretary of Labor Post.

Very truly yours,

(SGD) HENRY H. STROUD,
Henry H. Stroud
Special Agent in Charge

Cy-Edw. J. Brennan, Div. Supt. Chicago.

24070

147.0. 72G.R.

Chicago, Ill., May 5, 1920.

Burke,

Washington, D.C.

Five stop your telegram May fourth re dismounted received stop
have carbon copy here of original letter stroud of Milwaukee
transmitted to you on Friday April thirtieth containing infor-
mation concerning dismounted referred to in my telegram of May
first said letter was directed attention Mr. Hoover stop it will
be impossible to secure dismounted letters suggest that attorney
Rabbit iterated xukrloux of budded be greenery to dynamo.

Brennan.

2: p.m.

74060

WWD 7202

Chicago, Ill., May 5, 1920.

Burke,

Washington, D. C.

Five stop your telegram May fourth re post received stop have carbon copy here of original letter street of Milwaukee transmitted to you on Friday April 13th containing information concerning post referred to in my telegram of May first said letter was directed attention Mr. Hoover stop it will be impossible to secure post letters suggest that attorney A. S. Richter of Milwaukee be subpoenaed to produce.

Brennan.

2 pm.

INDIVIDUALS. PETCO PETCOWF, the Secretary-Treasurer and organizer of the Bulgarian Branch Communist Party who was held under \$10,000 Immigration Bond ^{since} from January 2, 1920 and ordered deported by the Department of Labor, April 15, 1920, ~~was~~ was recently released by Assistant Secretary of Labor and his deportation warrant ordered cancelled.

JULIUS MILLER, Information has just reached this office that this alien who was recently released from custody at Fort Wayne by order of Louis F. Post had been arrested in Cleveland, Ohio, for carrying on radical propaganda.

JOHN KERACHER; this office is informed that warrant of arrest in the case of this alien has been cancelled by order of the Assistant Secretary of Labor, Louis F. Post, and the alien has been released from bond under which he was held from Jan. 2, 1920. It will be recalled that this alien was one of the most active organizers of the Communist Party, also a member of the executive committee local Wayne County Communist Party. He also attended the Communist Convention at Chicago, September 1 to 7, 1919.

WASIL TOLSKI, member of the Union of Russian Workers was recently released from custody at Ellis Island and ~~was~~ returned to

Detroit, warrant of arrest and deportation issued in case having been cancelled by the Labor Department.

BOLESLAW K. GEBERT; mentioned in previous weekly reports continues his activities, lectures frequently under the auspices of the various branches of the International Publishing Association and assists in publishing "Glos Robotniczy."



ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

381167

JEH-GPO

DEPARTMENT OF JUSTICE,

WASHINGTON, D. C.

4077

October 27, 1920.

MEMORANDUM FOR THE FILES.

The following members of the American Legion called at this office Monday, October 25th:

HENRY D. LINDSLEY of Texas,

ROY HOFFMAN of Oklahoma,

WILBUR C. HALL of Virginia,

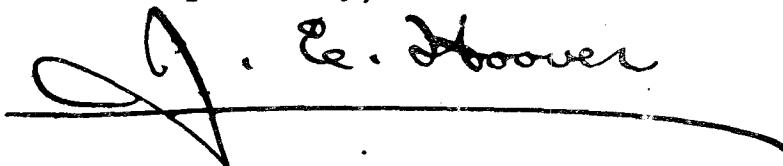
EMMETT O'NEAL of Kentucky,

J. M. JOHNSON of South Carolina,

JOHN J. WICKER of Virginia,

to obtain certain information as to the activities of LOUIS F. POST in connection with deportation matters. The information was submitted to these gentlemen, who upon leaving stated that they intended to present the resolution adopted by the National Executive Committee to the President.

Respectfully,


J. E. Hoover

386-67

34074

215 HIGH ST callout 925 am 6/6

Bethel, CONN June 2

Bureau

Justice

Please see today's New York Times interview with Superintendent of Police Joseph WATERBURY concerning Department of Labor Assistant SECRETARY Post.

House

Louis J. Post

J.J.

*After suspending it
and returning to the snow,
Mortensen endorsed Miss Hogg's*

*nothing else, it teaches the
the manly art of self-de-
fense," said Mortensen.*

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to be proportio
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chapter officials.*

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annual event. He
viable record in t
fields he has ente
will begin Armist
Thanksgiving Day.*

WILSON ASKED TO OUST POST

SA 076
American Legion Committee
Presents Formal Request
But Are Not Hopeful.

A committee representing the American Legion called at the White House yesterday with a petition for the dismissal of Louis F. Post, Assistant Secretary of Labor. They were merely informed that their petition would be "taken under consideration."

The committee, appointed by National Commander F. W. Galbraith, jr., included Henry D. Lindsley, of Texas; Roy Hoffman, of Oklahoma; Wilbur C. Hall, of Virginia; Emmett O'Neal, of Kentucky; J. M. Johnson, of South Carolina, and John J. Wicker, of Virginia, all Democrats.

When informed of the petition Post said he was aware the American Legion had been campaigning against him for some time and was "not greatly concerned."

Early in May, 1920, representatives of the Legion in the Pacific Coast States demanded an investigation of Post's official conduct with reference to the deportation of aliens, and a committee of the Legion was appointed to make an investigation. This committee recommended his dismissal and the recommendation was approved by the national executive committee of the Legion.

Capital Buyers is
New York, Oct.
New York World Buyers
listed the following
Washington:
J. E. Cunningham
Mayer, jobs, dresse
avenue.

speedy
SENT
first

FATHER SLAYS "AND SELF"

NATIONAL OFFICERS

WOODROW WILSON, PRESIDENT
ROBERT W. DE FOREST, VICE-PRESIDENT
WILLIAM HOWARD TAFT, VICE-PRESIDENT
JOHN SKELTON WILLIAMS, TREASURER
ALEXANDER C. KING, COUNSELOR
MABEL T. BOARDMAN, SECRETARY

Note

THE AMERICAN RED CROSS

NATIONAL HEADQUARTERS
WASHINGTON, D. C.

BUREAU OF FOREIGN LANGUAGE
INFORMATION SERVICE

JOSEPHINE ROCHE, DIRECTOR

JUL 23 1920
107 BROADWAY, NEW YORK CITY
TELEPHONE WATKINS 7700

EXECUTIVE COMMITTEE

FRANKLIN K. LANE
MERRITTE W. IRELAND
WILLIAM C. BRAISTED
HENRY P. DAVISON
ELIOT WADSWORTH
MRS. AUGUST BELMONT
GEORGE E. SCOTT

LIVINGSTON FARRAND, CHAIRMAN
WILLOUGHBY G. WALLING, VICE-CHAIRMAN
FREDERICK P. KEPPEL, VICE-CHAIRMAN

FREDERICK C. MUNROE, GENERAL MANAGER

381167

June 17, 1920.

John T. Creighton, Esq.,
Chief, Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Creighton:-

I have not answered your letter of May 27th, dealing with a release by our Danish Section, containing an excerpt of Louis Post's decision in re. Thomas Truss, because I have been too ill to come to the office, for nearly a month, and also because I knew that you were on the West Coast.

As soon as I received your letter, I took this matter up with the Manager of our Danish Section and ascertained that the three paragraphs quoted on a separate sheet sent to me by you, had been written by him. It is so far from our policy to permit anything of this kind, that I could hardly believe it; but having ascertained the truth, I thrashed the matter out with him fully, and I assure you that there is no possibility of its occurring again. On his part it was a piece of gross carelessness, for no matter what his personal feelings were, he had no right to express them officially, as a member of this organization.

I am attaching with this a copy of the memorandum from the Manager of the Danish Section, to our Director, Miss Roche; and I am attaching, also, a memorandum from Miss Roche to all our Foreign Language Sections. Both these papers are of recent date, but I had already taken the matter up verbally, some weeks before and only awaited the arrival of Miss Roche, from leave of absence, to have it made finally official.

I cannot tell you how greatly I regret this occurrence, and I offer you our cordial apologies in the matter.

My plans have been complicated by illness and other things, and I cannot tell when I will be in Washington again. I have not been there since I saw you last, I think; certainly not for the past five weeks. I should like very much to see you, however, because there are several things that I want to take up with you, and it may be that I shall make a trip down, in the near future.

With all good wishes, I am,

Sincerely yours,

EHB/L
ENCS.

E. H. Bierstedt

NATIONAL OFFICERS
WOODROW WILSON, PRESIDENT
ROBERT W. DE FOREST, VICE-PRESIDENT
WILLIAM HOWARD TAFT, VICE-PRESIDENT
JOHN SKELTON WILLIAMS, TREASURER
ALEXANDER C. KING, COUNSELOR
MABEL T. BOARDMAN, SECRETARY

THE AMERICAN RED CROSS
NATIONAL HEADQUARTERS
WASHINGTON, D. C.
BUREAU OF FOREIGN LANGUAGE
INFORMATION SERVICE
JOSEPHINE ROCHE, DIRECTOR

EXECUTIVE COMMITTEE

FRANKLIN K. LANE
MERRITTE W. IRELAND
WILLIAM C. BRAISTED
HENRY P. DAVISON
ELIOT WADSWORTH
MRS. AUGUST BELMONT
GEORGE E. SCOTT

LIVINGSTON FARRAND, CHAIRMAN
WILLOUGHBY G. WALLING, VICE-CHAIRMAN
FREDERICK P. KEPPEL, VICE-CHAIRMAN

FREDERICK C. MUNROE, GENERAL MANAGER

1107 BROADWAY, NEW YORK CITY
TELEPHONE WATKINS 7700
Danish Section.

New York, June 16, 1920.

Memo.

From the Manager of the Danish Section

To Miss Roche.

Subject: Danish release No.467.

This release is a translation of the decision of Assistant Secretary of Labor, Louis F. Post, in the case of Thomas Truss, and was submitted by the Department of Labor for release to the newspapers. As the decision is so lengthy for use in the Danish papers I condensed or omitted some paragraphs, which were not of general interest. I explained the reason for this decision in a short introduction being careful not to express any editorial or personal opinion.

This attitude has been changed in the translation submitted by the Department of Justice, which by leaving out some very important words makes it appear that I have expressed opinions derogatory to that Department. Instead of criticizing the Department by saying: Fortunately enough this deportation is not carried out by the Department of Justice" I said: "Fortunately for the foreign born this deportation ---", a statement which of course does not imply any criticism. Instead of expressing an editorial opinion by stating: As this case is typical ---" the release said: "As this case, according to the statement of the Assistant Secretary, is typical --"

Respectfully submitted

Wm. F. Oberlin

Memo. To Section Managers.

From Director.

June 14, 1920.

There has been an instance recently of a Government information release being sent out by a Section, in which the Manager included an introductory paragraph of comment on the subject of the release.

While this was an exceptional case, I feel I cannot let it pass without comment, as you know, it is absolutely contrary to the policy of our work to express any personal opinion, or comment, in any way, as an organization, on the material we release.

Any article or statement which is released, which can be in any way termed original, must, as you know, be submitted to me, or to Mr. Bierstadt, or to Mr. D. W. Lee, for approval.

We have already experienced difficulty in clearing up the situation created by the release I mention above, and we cannot guard too carefully against any slight departure from the standard we have so long and successfully maintained.

381/600

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE,
WASHINGTON, D.C.

GFR-MMP

Noted
P.D.W.

July 16, 1920.

MEMORANDUM FOR MR. HOOVER.

7-16-20

N.
J.E.L.

Louis J. Post

I note from this morning's "Post" that
Assistant Secretary of Labor, Post, has sent his
executive secretary, Hugh Reed to Ellis Island to
make an investigation of the crowded conditions
in this institution. Mr. Post is quoted by the
press as follows:

".... a crisis had been reached in the in-
adequate way of handling immigrants at the
port of New York"

The above is for your information.

Respectfully,

H. F. R.

38-647

Department of Justice,

Bureau of Investigation.

P. O. Box 455
Chicago Illinois
March 18, 1920.

Louis F. Post

J. E. HOOVER, Esq.,
Special Ass't. to the Attorney General,
Department of Justice,
Washington, D. C.

Dear Sir:-

Under date of January 15th, the following telegram was received at this office:

"Forward at once by special delivery attention Hoover the papers and correspondence in I.W.W. your city Your office dealing with correspondence between Louis Bloodshed Post and I. W. W. which you discussed with Hoover while in this city Stop Five Burke."

At the time of receipt of this telegram Mr. Howe was in Kansas City, Kansas, in connection with the case U. S. vs C. W. ANDERSON, et al. Upon his return to this office this telegram was given to him for his attention. Under date of January 21st, Mr. Howe replied to telegram as per carbon copy of letter enclosed.

In this letter you will note the paragraph--"I am sending you correspondence pertaining to the deportation of GEORGE ANDREYTCHINE, one of the Chicago defendants." "Also one letter signed by POST to Mr. MC DONNELL, also a folder of correspondence taken from the I. W. W. files between GEORGE ANDREYTCHINE, ISAAC MC BRIDE and WILLIAM D. MAYWOOD, wherein the case of ANDREYTCHINE is discussed and the action taken by POST and DENSMORE in this case."

Other than this last mentioned correspondence the name of POST appears in but one letter. This is a letter written by GEORGE ANDREYTCHINE while in the City of New York to WILLIAM D. MAYWOOD at Chicago, Illinois, outlining the attitude of POST towards ANDREYTCHINE, when ANDREYTCHINE called at Post's office. The original of this letter is an exhibit in the case of U. S. vs MAYWOOD, and cannot be extracted. I have had a carbon copy made and am enclosing same herewith, for your information.

NOTED
J. E. H.

NOTED
F. L. H.

10087

January 21st, 1930.

Mr. J. E. Hoover,

Special Ass't to the Attorney General,

Washington, D. C.

Dear Sir:

Upon my return here from Kansas City telegram of the Chief requesting data relative Louis F. Post, was turned over to me for attention.

In this connection would advise that all correspondence taken in raids of 1917 was indexed and briefed primarily with the view of being used in the case of W. D. Haywood, et al., consequently no particular attention was paid at that time to preserving correspondence dealing with others than defendants. I remember some correspondence in which Post was a factor. My impression was that in some instances he was the writer. Having given no particular thought at that time to Post it is probable that I am in error and instead of being the writer or receiver he was mentioned or referred to in the correspondence. Nevertheless I am having an extended search made for letter signed by Post or addressed to him. It is also probable that same were removed from the files during my absence by some one of the various attorneys who have been connected with the Haywood case during the past two years.

I am sending you correspondence pertaining to the deportation of George Andreytchine, one of the Chicago defendants. From this you will readily see Post was accessible to the I.W.W. I have placed same in Chronological order. The typewritten copies are of letters in evidence in the Haywood case and the original cannot be removed.

Herein is one letter signed by Post to Wm. McDennell, Secretary of U.M.W. of A. local. McDennell is also an I.W.W. and the strike referred to was conducted by the I.W.W.

Herewith folders of correspondence between Geo. P. West and Isaac McBride with W. D. Haywood which will disclose their method of operating in Washington.

Trusting this material will be of some assistance to you, I am

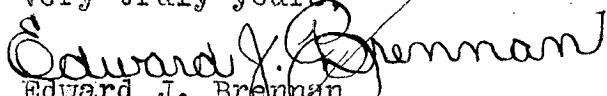
Very truly yours,

J. E. HOOVER, Esq.
3-18-20
Page 2.

7-20-20

Mr. Howe states that all of the correspondence referred to in his letter of January 21st to you, was enclosed at that time and mailed on the date mentioned. In his opinion there were in all some fifteen letters. Particular attention should be given to one letter, wherein DENSMORE is mentioned as "fixing" the case.

Very truly yours


Edward J. Brennan,
Division Superintendent.

TJH
E.B.F.
encl.

C O P Y

"New York City.

Aug. 5, 1

Dear Haywood:

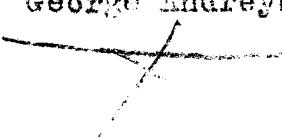
Yesterday I was in Washington to see Dante Barton and George West of the Committee on Industrial Relations about my case. There I met Lincoln Steffens and we all called on Mr. Post who is acting as Secretary of Labor for Wilson is on a vacation. He was very nice to me and extended my decision as to whether I am going to South America or stay in this country and fight this rotten law. I was advised by these friends to stay and make a stubborn fight. One man whom I suspect of stooling on Mr. Post asked Dante Barton and the rest if they are so warm friends of mine why they don't furnish me with money and send me to S.A. Mr. Barton said that he is not going to give a cent to go there but to fight the law he is willing to give \$500. They advised me also to ask you to do all you can to raise hell all over the country through our press and get all our locals protest energetically to Secretary of Labor Wilson. Their committee is going to raise hell too with the Kirby press and Frank Walsh. George West, Basil Manly told that they are trying to make the Secretary scared through publicity. The matter is very serious and if you do not take an interest in it I may be deported very soon. I wish I was there and explain to you how the case stands. The state of Minnesota has arranged so with the Secretary of Labor that in case I don't get deported I will be thrown to them and tried for inciting to riot in Hibbing and Grand Rapids. I have to fight anyway and I prefer to fight in Washington. rotten law and I was told yesterday that there is possibility to overthrow it. While in Minnesota the lawyers are so busy that I am surprised

to extend us I feel very sure that will beat the Steel. As you can judge of the foregoing we are determined to fight and I only ask your hearty support. Our press has kept a conspiracy of silence so far about my case and ask you to break it with a strong appeal. The Steel Trust is simply trying to kidnap me and send me away, but it is up to you to make stubborn resistance and save me from its clutches.

Hoping that you will do all you can to help me through our press and friends, I remain

Yours for the C.B.U.

George Andreytchine."



381167
JEB-SPO

34083

September 14, 1920.

A. L. Parkey, Esq.,
Box 631,
Detroit, Michigan.

Dear Sir:

I am in receipt of information to the effect that the personnel of the Parole Board appointed by LOUIS F. POST in your city consists of the following:

S. S. KRESKE
DAVID A. BROWN
BISHOP CHARLES D. WILLIAMS
FRED H. BOTZEL
AUGUST C. STELLWAGEN
FRED P. INGRAM.

Upon referring to the files of this office, I fail to find any information upon the past history of any of these individuals. I would appreciate your making a very discreet and confidential investigation of each of these individuals and supplying me with information upon the same at an early date.

Very truly yours,

Acting Chief.

1167 : 5

REPORT MADE BY: Frank J. Seib	PLACE WHERE MADE: New York City	IE: 0	PERIOD FOR WHICH MADE 6/7/20
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: IN RE: LOUIS F. POST			
CONFIDENTIAL.			

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:

Attached hereto is a photostat copy of a letter dated March 6, 1917 from A. LYLE DeJARRETTE, Executive Secretary of The Congress of Forums, Inc., to LOUIS P. LOCHNER.

The name of LOUIS F. POST is mentioned in the fifth paragraph of the letter, and also as a member of the Advisory Board.

The Congress of Forums was exceedingly active during 1917 and 1918, and had a great many radicals among its members.

Frank J. Seib
SPECIAL AGENT
FRANK J. SEIB.

J.E.L.
FBI



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The Trustees of the

Providence Public Library

RECEIVED
Goddard

have received from
Attorney General A. Mitchell Palmer on Charges made

against Department of Justice by Louis F. Post

for which they return their thanks.

Providence Public Library,

William E. Sothern

D. C.
Lib.

Providence, R. I.

JUN 17 1921

191



Department of Justice,

Washington, D.C.

GJS-JWD.

Note
A.O.A.

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New York City, May 8, 1920.

1200

Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

Rec'd
W.W.G.

Attention: Mr. Hoover.

Dear Sir:

From a confidential source information has been received to the effect that Louis B. Post, the Assistant Secretary of the Department of Labor at Washington, during the year 1904 or 1905, made a sworn statement as to the character of one Turner, an anarchist, who was later deported by the United States.

Agent Selb of the Radical Division New York Office, who secured the aforementioned information, advises that his informant also stated that in the United States Supreme Court on cases on appeal, in the March or April Term, 1904, in the case of Turner versus William Williams, (former Commissioner of Immigration, New York Harbor), might show some interesting data.

Very truly yours,

GEORGE F. LAMB

Division Superintendent

not
available

OT

100P

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August 23, 1917.

Louis P. Lochner,
Majestic Hotel,
Minneapolis, Minn.

Dear Friend Lochner:-

Received your telegram and replied as soon as I returned from a trip. Last night had a wire from your Mr. Williams asking me to rush excerpts from my speech to New York etc.

Now of course, not having yet heard definitely that you wanted me to come and could arrange that I should, - I had mentioned in my wire to you that I could not afford to come at my own expense and that I was not to delegate - I can not respond to Mr. Williams' request.

If you are still wanting me to come, and if there is some way ~~and~~ the cost can be covered, then you will let me know at once. And ~~and~~ would like to have you suggest topic that you would like to have me handle in case you decide to have me come. I had just thought of some such topic as "THE ECONOMIC CAUSES OF THE WAR AND THE FOUNDATIONS OF PEACE". But I will meet your plans.

Awaiting your further word, I am

Very cordially,

Carl D. Thompson

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PUBLIC OWNERSHIP LEAGUE

CARL D. THOMPSON, SECRETARY AND BUSINESS MANAGER

431 NORTH KELLY AV.

CHICAGO, ILL.

Dear Louis:

Please wire me as soon as you
nately that the People's Conference is going
If it interrupted I shall want to know because I have
date that has been rather extensively advertised and
council is not held I would like very much to fill it
am holding myself in readiness, however, to start
Minneapolis on Friday night if I get word that
is going to be held.

Can you wire me by Friday noon, - or sooner, or
may see that I have definite word.

Hastily,

Carl Thompson

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Mr. Louis P. Lochner
Chicago, Ill.

WEDNESDAY, December 1

March 6, 1917

We greatly need your help in this
crucial experiment for the promotion of
democracy.

and from a total experiment.
The trial for treasonous, has been in
the session of Congress, and the organi-
zation of Congress, and the pre-
sumed intent of the existing organiza-

Our office has been open just eight weeks and we have received inquiries from seventy-two different countries, as far away as Canada and California. We are in a position to give information and help.

John R. Gandy, George H. Miller
Loyalty, the Loyalty Award, and the
head and face of the Loyalty Award
CHICAGO, ILLINOIS, U.S.A.

How long does it take to get to the station? It is
one of the most important things to know.
Arrive at the station early so as to have time to look
over the station and the surroundings.

卷之三

Other Guest

Hoboken (N. J.) Forum
St. Paul's Church
Rev. Walter A. Amos, Chairman
Jersey City Evening Journal
The First Congregational Church
Harry L. Everett, Chairman

we anticipate favorable conditions
from U.S. forces despite heavy losses
of progress.

Very easily

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THE **NEW** **EXPLORATION** **OF** **DISCUSSIONS** **PROVISIONALLY** **MAINTAIN** **EVEN** **MAN'S** **SPirit** **in** **our** **inside** **open** **to** **new** **Virginia**

1919		
		JUNE 1919
JULY 1919	AUG. 1919	SEPT. 1919
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